

Address:	9 Downshire Hill London NW3 1NR	
Application Number:	2008/5894/P	Officer: Jonathan Markwell
Ward:	Hampstead Town	
Date Received:	09/12/2008	
Proposal: Erection of new single dwellinghouse following demolition of existing single dwellinghouse (Class C3).		
Drawing Numbers:		
<p>Site Location Plan; 2126-14OCT08-01; 2126-14OCT08-02; 2126-14OCT08-03; 2126-14OCT08-04; 2126-14OCT08-05; 2126-14OCT08-06; 2126-14OCT08-07; 2126-14OCT08-08; 2126-14OCT08-12; 2126-14OCT08-13; 2126-14OCT08-14; 2126-14OCT08-15; 2126-24APR07-03; 2126-24APR07-08; 2126-24APR07-09; 2126-24APR07-10; 2126-24APR07-11; 2126-24APR07-12; 2126-24APR07-01; 2126-24APR07-02; 2126-20JUN07-20; 2126-20JUN07-21; 2126-20JUN07-22; 01 Rev F; 02 Rev F; 03 Rev F; 04 Rev F; 05 Rev E; 06 Rev E; 07 Rev F; 08 Rev F; 09 Rev E, as received 07/05/2009; 10 Rev F; 11 Rev E, as received 07/05/2009; 12 Rev F; 13 Rev F; 14 Rev E, as received 07/05/2009; 15 Rev E; 18 Rev E; 19 Rev A; 7694.11.SK01 Rev D; 7694.11.SK03 Rev D; 7694.11.SK05; 7694.11.SK06; Design and Access Statement, dated December 2008; Planning Statement, dated December 2008; Historic Fabric Salvage and Recording Brief, dated December 2008; Building History, dated June 2007; PPG 15 Justification Statement, dated December 2008; Geotechnical Desk Study, dated December 2008; REP/123323/S003, dated December 2008; REP/123323/S004, dated December 2008; REP/123323/S005, dated December 2008; Record of Front Gate Post Prior to Dismantling, dated February 2008; Preliminary Carbon Emissions Calculations, dated November 2008; Rainharvesting Systems Information - 4 Sheets, as received 07/05/2009; RLA Roof and Surface Water Drainage Proposals – RLA/4022, Issue 1, dated May 2009; Arbtech Trees and Development; Air Conditioning Acoustic Report 'Option C' RLA/4022 Rev A, dated May 2009; Daylight and Sunlight Report, dated April 2009; Daytime Bat & Bird Survey, dated April 2009; Nocturnal Bat Survey, dated June 2009; Computer Generated Images x3, as received 07/05/2009; Geotechnical Report Rev D, dated January 2010; Site Investigation Report Issue 03, dated 29/04/2009; Site Investigation Report 9 Downshire Hill Phase 2 Issue 03, dated 18/12/2009; PPG14 Statement, dated January 2010.</p>		
RECOMMENDATION SUMMARY: Grant Planning Permission subject to Section 106 Agreement		
Related Application Date of Application:	09/12/2008	
Application Number:	2009/0056/L	
Proposal: Demolition of existing single dwellinghouse in association with the erection of new single dwellinghouse (Class C3).		

Drawing Numbers:

Site Location Plan; 2126-14OCT08-01; 2126-14OCT08-02; 2126-14OCT08-03; 2126-14OCT08-04; 2126-14OCT08-05; 2126-14OCT08-06; 2126-14OCT08-07; 2126-14OCT08-08; 2126-14OCT08-12; 2126-14OCT08-13; 2126-14OCT08-14; 2126-14OCT08-15; 2126-24APR07-03; 2126-24APR07-08; 2126-24APR07-09; 2126-24APR07-10; 2126-24APR07-11; 2126-24APR07-12; 2126-24APR07-01; 2126-24APR07-02; 2126-20JUN07-20; 2126-20JUN07-21; 2126-20JUN07-22; 01 Rev F; 02 Rev F; 03 Rev F; 04 Rev F; 05 Rev E; 06 Rev E; 07 Rev F; 08 Rev F; 09 Rev E, as received 07/05/2009; 10 Rev F; 11 Rev E, as received 07/05/2009; 12 Rev F; 13 Rev F; 14 Rev E, as received 07/05/2009; 15 Rev E; 18 Rev E; 19 Rev A; 7694.11.SK01 Rev D; 7694.11.SK03 Rev D; 7694.11.SK05; 7694.11.SK06; Design and Access Statement, dated December 2008; Planning Statement, dated December 2008; Historic Fabric Salvage and Recording Brief, dated December 2008; Building History, dated June 2007; PPG 15 Justification Statement, dated December 2008; Geotechnical Desk Study, dated December 2008; REP/123323/S003, dated December 2008; REP/123323/S004, dated December 2008; REP/123323/S005, dated December 2008; Record of Front Gate Post Prior to Dismantling, dated February 2008; Preliminary Carbon Emissions Calculations, dated November 2008; Rainharvesting Systems Information - 4 Sheets, as received 07/05/2009; RLA Roof and Surface Water Drainage Proposals – RLA/4022, Issue 1, dated May 2009; Arbtech Trees and Development; Air Conditioning Acoustic Report 'Option C' RLA/4022 Rev A, dated May 2009; Daylight and Sunlight Report, dated April 2009; Daytime Bat & Bird Survey, dated April 2009; Nocturnal Bat Survey, dated June 2009; Computer Generated Images x3, as received 07/05/2009; Geotechnical Report Rev D, dated January 2010; Site Investigation Report Issue 03, dated 29/04/2009; Site Investigation Report 9 Downshire Hill Phase 2 Issue 03, dated 18/12/2009; PPG14 Statement, dated January 2010.

RECOMMENDATION SUMMARY: Grant Listed Building Consent subject to the Government Office for London (GOL) not directing refusal of the application.

Applicant:

Ringline Properties
14 Downshire Hill
London
NW3 1NR

Agent:

Heritage Architecture Ltd
62 British Grove
London
W4 2NL

ANALYSIS INFORMATION**Residential Use Details:**

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

Parking Details:

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	3	-
Proposed	1	-

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		258.41m ²
Proposed	C3 Dwelling House		630.6m ²

OFFICERS' REPORT

Reason for Referral to Committee: The Director of Culture and Environment has referred the application for consideration as it involves the demolition of a listed building in a conservation area [Clause 3 (v)] and the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3 (vi)].

N.B. This application was originally scheduled to be considered at Development Control Committee 22/10/2009. However, the application was withdrawn from the agenda on the request of the applicant by the Assistant Director (Planning and Public Protection) to allow time for further reports on ground stability to be submitted for consideration. This additional information was submitted to the Council in February 2010 and was subject to a formal period of re-consultation. No changes to the design of the scheme have been made in this intervening period.

1. SITE

- 1.1 9 Downshire Hill is a Grade II listed single dwellinghouse, dating from the early 19th century. It is located on the north-west side of Downshire Hill, close to the junction with Keats Grove (to the south-east). Pilgrim's Lane runs parallel to Downshire Hill to the north-west of the application site. The host building is attached to the Grade II listed No. 8 Downshire Hill via a 20th century porch and side extension. Downshire Hill is located within Hampstead Conservation Area and is considered to be a street of exceptional picturesque quality with 48 listed buildings of varied classical and gothic styles. All nearby buildings on this part of Downshire Hill and Keats Grove are Grade II listed, with the exception of the Grade I listed St John's Church (on the junction of Downshire Hill and Keats Grove). The nearby properties on the south-east side of Pilgrim's Lane (which back onto the rear gardens of properties on Downshire Hill) are not listed, but are identified within the conservation area as making a positive contribution to the special character of this part of the Hampstead Conservation Area.
- 1.2 The existing building at the application site is stucco fronted over three storeys plus basement, with decorative cast-iron balconies to ground and first floors with lattice work and canopies. Similar to the pattern of development along Downshire Hill, the

building is set back significantly from the street behind a mature front garden. The existing building is in a very poor state of repair and has been on the English Heritage Buildings at Risk register for over a decade. It was poorly constructed and has since suffered from decades of neglect and inappropriate repair, and in more recent years from significant damage as a result of fire and serious flooding.

- 1.3 After an initial structural assessment of the building, some emergency propping work was undertaken, and it became clear that the rear of the building was in immediate danger of collapse. Listed building consent was granted in January 2008 for the dismantling of the rear wings and back wall, in order to stabilise the remaining structure and prevent further uncontrolled collapse, and to allow for the safe survey of the building (see relevant history section below). This work has been undertaken and has allowed for a full condition assessment to be carried out. At the present time the building remains scaffolded and extensively propped internally.
- 1.4 During 2008 a number of site visits were undertaken in order to assess the building's condition, and advice was sought from English Heritage engineers. It emerged during this time that the quality of the building's original construction had been particularly poor, with badly bonded brickwork and jointing and use of poor quality materials. It became clear to all parties that the building's condition was much worse than initially envisaged, and that meaningful restoration or façade retention was not physically possible without the dismantling and rebuilding of the entire structure.
- 1.5 The English Heritage engineer's report concluded that the building "has been subject to more than normal distress," and that while "it would be possible to deal with these defects I consider this would result in substantial replacement... Careful dismantling and appropriate reconstruction will be the most pragmatic way to keep what is valued in this building".
- 1.6 As such, an application for the demolition of the building and erection of a new building has subsequently been submitted to the Council.

2. THE PROPOSAL

- 2.1 Planning permission and listed building consent is sought for the demolition of the existing building and the erection a new single dwellinghouse on the site. The replacement building will include two levels of basement accommodation in addition to three storeys of accommodation at ground, first and second floor level. The second floor of basement accommodation will extend beyond the existing front and rear building lines by a maximum distance of 11m and 9.3m respectively, increasing the depth of the existing basement excavation by a maximum 5.3m to a total depth of up to 8.5m from ground level. The second floor of basement accommodation will comprise a cinema room, swimming pool, plant room, bedroom, gymnasium, changing and shower rooms and a patio area. The patio area is formed through the formation of a front lightwell at this point, which is also proposed to include two external air-conditioning units.

- 2.2 The first floor of basement accommodation (referred to as lower ground floor level on the proposed plans) will extend beyond the existing rear building line by a maximum 4.4m but will not extend beyond the existing front building line (although the proposed associated front lightwell area will by 3m). This level of accommodation will include a living/kitchen room, utility room, toilet, office/study and lower rear terrace area. This lower rear terrace area will extend beyond the proposed rear building line at this point by a minimum 4.3m. It will include steps up to main rear garden area at ground floor level, planting beds and a single externally located air-conditioning unit.
- 2.3 With the exception of the subterranean accommodation the principle part of the front elevation will be rebuilt in facsimile, aligning with the existing front building line. The existing two-storey side wing on the south-west side of the property is proposed to be extended towards to the front of the building at first floor level (by 3.2m) and increased in height to a similar depth at second floor level. To the rear, this wing will increase in depth compared with the existing by 1.1m. A new two-storey side wing on the north-east side of the property is also proposed. This will be set-back from the existing front building line by 2.2m and increase the width of the building by approximately 2m at this point. This extension will be set-back from the boundary with No. 10 Downshire Hill by 1m. On the rear elevation, the middle section of the proposed building will extend beyond the existing rear building line of the side wing by a maximum of 2m at ground floor level and 2.15m at first and second floor level. At ground, first and second floor level the side wings of the proposed building are set back from the proposed rear building line of the middle section of the dwellinghouse (by 2m at ground floor level and 1m at first and second floor level).
- 2.4 The ground floor level includes a porch and hallway leading to the staircase and an open-plan reception, dining and sitting room, with doors leading out to a balcony area on the front elevation (replicating the existing balcony at this point) and a terrace area on the rear elevation. At first floor level are two double bedrooms with en-suites and access to balcony areas at front and rear. At second floor level are three further bedrooms, comprising two doubles with en-suite bathrooms and a single bedroom. At roof level it is proposed to install a brown roof within the main middle section of the roof area. In total, the proposed single dwellinghouse will include five bedrooms, of which four are double sized bedrooms.
- 2.5 The proposals also include an extensive landscaping scheme within the front and rear garden area (incorporating off-street car parking, refuse/recycling storage and a cycle stand) and alterations to the existing front boundary treatment.
- 2.6 During the course of the application a number of alterations have been made to the proposed scheme, while a range of revised and additional information has also been submitted. The alterations largely comprise works in association with the proposed landscaping scheme within the front and rear garden areas. In short, the amount of landscaping has been increased in order to overcome concerns initially raised in this regard. The proposed air-conditioning units have also been re-located from the originally intended position within the rear garden area.

- 2.7 Revisions to the originally submitted Daylight and Sunlight Report and a new Air Conditioning Acoustic Report (taking account of the revised location of plant) have been submitted. In addition, a Daytime Bat and Bird Survey, Nocturnal Bat Survey, Roof and Surface Water Drainage strategy and records of the front gate post prior to it being dismantled has also been submitted by the applicant.
- 2.8 Further information has also been submitted with regard to matters concerning the existing ground conditions and the anticipated potential ground movements and impacts of the proposed development on neighbouring properties and nearby trees. When the application was first submitted a Geotechnical Desk Study was submitted in support of the application. During the course of the application a more detailed Ground Investigation Report was submitted, based on ground investigation works carried out on site in March 2009. Just prior to the application being considered at Development Control Committee on 22nd October 2009 the applicant requested that further ground investigations be carried out. As such, the application was withdrawn from consideration at this committee to allow further investigations to be carried out. These were subsequently carried out in November 2009 and submitted for consideration to the Council in February 2010. This Geotechnical Report, together with two separate Site Investigation Reports, formed the basis of the additional information submitted after the application was originally scheduled to be considered at Development Control Committee in October 2009. In addition, the applicant also submitted a PPG 14 Statement in support of the applications in February 2010.
- 2.9 To clarify, since the application was originally scheduled to be considered at Development Control Committee in October 2009, the design of the proposed development has not altered in any way.

3. RELEVANT HISTORY

- 3.1 2007/4943/P - Alterations and extensions to the existing building including demolition of parts of existing building and side and rear extensions together with formation of new basement below front garden and addition of new hipped Welsh slate roof and reinstatement of original ironwork. Withdrawn 14/03/2008.
- 3.2 2007/4946/L - Alterations and extensions to the existing building including demolition of parts of existing building and side and rear extensions together with formation of new basement below front garden and addition of new hipped Welsh slate roof and reinstatement of original ironwork. Withdrawn 14/03/2008.

In short, these applications were withdrawn following concerns raised regarding the extent of demolition and the scale and appearance of the proposed new building.

- 3.3 2007/5338/L - Dismantling of rear wall, partially collapsed rear wing and front side wing to stabilise the property. Granted Listed Building Consent 24/01/2008.
- 3.4 2008/1499/L - Submission of details of method statement and structural engineers' drawings pursuant to condition 4 of listed building consent dated 24/01/08

(2007/5338/L) for dismantling rear wall, partially collapsed rear wing and front side wing to stabilise the property. Granted discharge of condition 4 14/05/2008.

4. CONSULTATIONS

- 4.1 There have been two formal periods of consultation for this application, given the significant amount of additional information which has been submitted during the course of the application. The original period of consultation took place after the application was registered in January 2009. A formal period of re-consultation took place in February 2010 after the submission of further supporting information by the applicant. For completeness, the consultation responses from both consultation processes are outlined below. For ease of reference, responses to the original and subsequent second period of consultation are outlined separately.

Original consultation responses

Statutory Consultees

- 4.2 English Heritage have been involved in detailed discussions relating to the existing building for a number of years given that the building is included on its register of Historic Buildings at Risk. In short, English Heritage consider that the tests of PPG15 (now superseded by the principles of PPS5) relating to the demolition of a listed building and that of policy B3 of the UDP have been met. Therefore the demolition of the existing listed building is supported by English Heritage.
- 4.3 With reference to the proposed building, English Heritage considers that the proposals would preserve the character and appearance of the conservation area. More specifically, English Heritage has commented in relation to the proposed building:

“The current proposal for replacement incorporates a close facsimile facade to resemble the current form of the existing building, including reinstating the decorative ironwork, form of windows, stucco, porch, parapet roof, and as such seeks to secure the visual contribution of the building to the wider conservation area and to the setting of the adjacent listed properties”.

- 4.4 However, given the nature of the proposals and the need for ongoing specialist involvement any consent is recommended to be subject to detailed conditions. As such, a number of conditions have been put forward by English Heritage which are considered to be necessary in this instance. More detailed information regarding English Heritage's response is provided within the assessment section of this report.
- 4.5 Should consent be minded to be granted for listed building consent, English Heritage will be required to write to the Government Office in accordance with the procedure set out in Circular 01/01 (Arrangements for handling heritage applications - notification and directions by the Secretary of State). Therefore listed building consent would be subject to referral to Government Office for London.

- 4.6 The Council for British Archaeology has provided a response via LAMAS (London & Middlesex Archaeological Society) – Historic Buildings & Conservation Committee, which acts on behalf of the Council for British Archaeology in respect of applications for listed buildings in the Greater London Area. LAMAS have commented that they consider it necessary to create a replica of the listed building to be demolished in this case. This is owing to the value of the front elevation as part of the wider street frontage. It is also commented that the proposed building should be an exact replica and thus “concern was expressed about the difference in appearance and the increased living accommodation”.
- 4.7 The Society for the Protection of Ancient Buildings (SPAB), The Twentieth Century Society, The Ancient Monuments Society, The Georgian Group and The Victorian Society were all formally consulted but have not provided a response.

Conservation Area Advisory Committee

- 4.8 Hampstead CAAC objects to the application, owing to the proposed basement works and in particular the proximity to neighbouring listed buildings. It is noted that the application site is located within a particularly sensitive part of Hampstead and it is likely that ground water conditions and neighbouring properties would be affected. The CAAC do however denote no objection to the proposed elevation.
- 4.9 Belsize CAAC objects to the proposed basement owing to disturbance to neighbours during construction and the adverse impact on the nearby soil conditions and subsequently the stability of neighbouring houses. Objections are also raised regarding the proposed external plant owing to disturbance to residents and the use of the lower basement for staff accommodation, with such accommodation considered to be unacceptable in the 21st Century. It is concluded that the proposals will neither conserve nor enhance the area.

Local Groups

- 4.10 Five separate submissions have been received from The Heath & Hampstead Society. Prior to the Ground Investigation Report being submitted by applicant, three submissions were received (including one from the Voluntary Tree Officer of Heath & Hampstead Society). Two further submissions were received after the Ground Investigation Report was submitted by the applicant. Although the Society do not object to the demolition of the existing building, the proposed replacement building raises a number of concerns which the Society do object to. A summary of the issues raised in the submissions prior to the Ground Investigation Report is as follows:
- “Bulk, form, width, length and depth of the proposed 2 levels of basement, together with their associated lightwells front and back”. It is noted that they would be intrusive and out of scale with adjoining properties.
 - More specifically, the proposals breach elements of draft LDF policy DP20 and the Guidance note on Basement Accommodation. This is by: causing harm to neighbouring amenity (owing to scale of the proposed building); causing a serious threat to the structural stability of the neighbouring

properties; serious affect on drainage, run-off, the sewer network and surface water flood risk owing to the geology (sub-soils and springs of the River Fleet) and local topography; Loss of trees within the front garden area and subsequent impact on the established streetscene character of the surrounding area, including St John's Church (Grade I listed) on the junction of Downshire Hill and Keats Grove.; Cumulative impact of the proposals in the local area – likely that other occupiers within Downshire Hill will seek similar basements and subsequent environmental damage (e.g water effects) in the area is likely.

- Request that a full Structural Stability report, Flood Risk Assessment and Construction Management Plan is submitted prior to the granting of planning permission.
- Noise from proposed plant will have a “disproportionate impact on other residents’ enjoyment of their properties”. Concern also raised as to the cumulative impact of plant elsewhere in this area.

4.11 The Voluntary tree officer of the Heath & Hampstead Society raised concerns over the loss of trees on the site, specifically the loss of the willow tree in the front garden and the view that the ash (521) and holly (523) should be retained. In addition it is considered that all removed trees should be replaced by at least 14 trees, not the 10 proposed. These additional trees should be in the front garden area to provide a “grander treescape” and at the rear to ensure a continuous line of trees at this point (aiding biodiversity). With regard to the front and rear garden landscaping proposals, the proposed basement works are considered to increase water run-off, reduce water-holding capacity and reduce access of rain water to a nearby aquifer.

4.12 After the applicant submitted a Ground Investigation Report, the Heath & Hampstead Society submitted further letters of objection to the application, summarised as follows:

- Ground Investigation report is only preliminary and therefore cannot be regarded conclusively as evidence in support of the application.
- Report is inadequate as it doesn't detail in sufficient detail the impact on neighbouring properties or in a wider area within Downshire Hill or Pilgrim's Lane for example (required owing to the geology of the area). Furthermore, a report by The First Steps Ltd, attached to the latest submission by the Heath & Hampstead Society, concludes that “no...satisfactory case has been made for demonstrating the development can be accomplished without damaging adjacent properties and as such does not provide the planning authorities with the necessary evidence for them to reasonably exercise their duty of care to the owner of the adjoining property, No. 8”.
- The implications to neighbouring buildings is likely to be more severe to neighbouring properties than suggested by the report submitted by the applicant owing to No's 8 and 10 having tanked cellars, that may need to be re-built if the proposed works take place (estimate of cost is suggested to amount to £400,000 to No. 8). As such, there would be severe damage to the neighbouring listed buildings.

- Further discussion that the hydrogeological effects of such basements are unpredictable in Hampstead owing to the unstable sub-soil and underground streams in the area.
- Further discussion that the proposals do not comply with the basement guidance note (December 2008) and policies DP20 and DP12 of the draft LDF. Queries raised over whether these documents can be used as considerations in the determination of this application. In short, it is sought that the decision on the application does take account of these documents.

4.13 Downshire Hill Residents' Association (DHRA) object to the "gross-overdevelopment of a site which carries major implications for both neighbouring properties and for the whole street". A summary of the issues raised are:

- Substantial risk of ground movement and subsidence affecting properties in Downshire Hill, Pilgrim's Lane and Keats Grove owing to the deep and extensive ground excavations. The consequences of the proposed excavations include: altered underground water dispersal systems; shrinking or swelling of clay under the application site and adjacent properties; subsequent impact on surface water run off owing to tree works and altered drainage systems; the "dam effect" owing to the depth and size of the proposed basement; adverse impact caused by the removal of 4000 cu.m. to be dug out.
- Existing buildings within Downshire Hill are poorly built. Other examples of basements in Hampstead (e.g 20 Christchurch Hill) have shown there can be substantial damage/partial collapse to neighbouring buildings, which presents an unacceptable risk to the immediate area.
- Overdevelopment of site owing to proposed excavations creating large lightwells, affecting the existing townscape of Downshire Hill within front and rear gardens. More specifically, harm to the setting and established character of surrounding listed buildings is considered to be caused, with residents amenity value in the use of their rear gardens also impinged.
- Proposals will set a precedent for other basement proposals in the street; the cumulative effect would exacerbate risk of subsidence and movements to other properties in the area.
- Noise impact of proposed plant on residential amenity for neighbouring occupiers within their rear gardens. The noise is considered to be "an unfair and disproportionate intrusion into the enjoyment and well-being of neighbouring residents".
- Additional bulk on front elevation is overdevelopment and will dominate the streetscape of Downshire Hill, in particular the side extension to third floor level on the west side of the building (which will also reduce light to neighbouring properties).
- Side elevation windows proposed on east side of building are not an established feature on buildings along Downshire Hill and will overlook front garden areas of other properties.
- Loss of trees within the front garden; insufficient soil depth for replanting.
- Double basement will utilise energy resources (light/ventilation), rising sustainability issues and "representing a disregard for current public concerns for the environment".

- Possibility for proposals to be amended once permission is granted, “which could lead to differing accommodation with unpredictable results.
- Increase in demand for on-street parking spaces in an area where parking capacity has already been reached.

- 4.14 Reference is also made by DHRA to LB Camden’s New Basement Development and Extensions to Existing Basement Accommodation – Guidance Note - December 2008. It is considered that the proposed development departs from the detail and spirit of this document. DHRA also submitted suggested conditions that the Council should attach as a minimum if the application were to be granted. Furthermore, a scoping document outlining the information the applicant should consider and submit with regard to geotechnical, hydrological and drainage issues was also submitted by DHRA.
- 4.15 The Church Row Association object to the “excessive underground development” and the impact on the conservation area. It is also commented that “this is a subject of the deepest concern to the entire community”.
- 4.16 Pilgrim’s to Willoughby Residents Association object to scale of the proposed works, which are considered to constitute overdevelopment. Reference is made to the above ground height and bulk (more specifically the additional width at upper floor levels) and the below ground bulk, which are both considered to be excessive. Objections are also raised regarding: the potential impact of the below ground works on neighbouring buildings and land; the lack of a hydrology report; detrimental impact of the proposed lightwells on the Downshire Hill townscape, “gardenscape” and environmental health of rear gardens; impact of air conditioning units on neighbours.

Local Councillors

- 4.17 Cllr Roberts objects to the application owing to the bulk and height of the proposals and the scheme constituting overdevelopment within a conservation area. It is also noted that the ground investigation assessments are “based on a set of assumptions which may be completely inaccurate”.
- 4.18 Cllr Philp objects owing to the possible impact on the foundations of neighbouring properties and the land slippage and water ingress in the area owing to the type of sub-soil in the area, the topography and the underground water courses in the area.
- 4.19 Cllr Somper has enquired about the application and sought notification of when it is to be considered at Development Control Committee, but has not formally commented on the application.

Adjoining Occupiers

	Original consultation	Received in week prior to 22/10/09	Re-consultation
<i>Number of letters sent</i>	9	0	83

<i>Total number of responses received</i>	88	23	46
<i>Number of electronic responses</i>	38	23	29
<i>Number in support</i>	5	0	8
<i>Number of objections</i>	76	23	37

4.20 In addition to the adjoining occupiers being formally consulted, site notices were erected on 14/01/2009, expiring on 04/02/2009. Five letters of support for the proposals have been received from the occupiers of the following properties: 1a Downshire Hill; Flat 7, 4a Downshire Hill; 22a East Heath Road; 17 Fitzjohn's Avenue and 1 Kemplay Road.

4.21 At the time of the original consultation total of 76 objections were received from the occupiers of the following properties: No's 4, 7, 8 (six submissions), 10 (two submissions), 13, 15, 16, 18, 23, 26, 27 (two objections from different occupiers), 30, 34, 37, 41, 43, 44, 46, 47 and 48 Downshire Hill; The White House and No's 4, 12a (two submissions), 14, 19 and 21 Keats Grove; No's 2a, 9, 10, 14, 16, 18, 20, 22, 24, 28, 37, 42, 50, 56 and 60 Pilgrim's Lane; No's 5 and 13 Carlingford Road; No's 9 and Garden Flat, 9 Lyndhurst Road; No's 18 and 22 Kemplay Road; No's 29 and 31 Rudall Crescent; No's 9, 12, 16 and 23a Willow Road; No's 19 and 23 Willoughby Road; 60 Compayne Gardens; 52 Crewys Road (two objections from different occupiers); 19 Church Row; 41 Frognal; 7 Frognal Gardens; 22 Gayton Road; 7 Hampstead Heath Gardens; 11 Holly Mount; 4 Kippermore Avenue; Flat 2, 10 Langland Gardens; 22 Maryon Mews; 4 Rona Road; The Rook, Sandy Road; 107 South End Road; 26 Thurlow Road; 4 Heath Villas, Vale of Health; 26a Wedderburn Road, and one unspecified address.

4.22 A summary of the issues raised by these objections are as follows:

4.23 Basement development

- Possible impact of the basement construction on the water table in the local and wider area, in addition to risk of flooding / subsidence and structural damage to neighbouring buildings / waterlogging / loss of soil, given the application site is near the boundary of Claygate beds and London clay, which give rise to springs forming part of the source of the River Fleet. As such, a flood risk assessment and full structural and hydrological studies are required to assess the proposals prior to the determination of the application. In particular, it is considered that there is an unacceptably high risk of substantial damage to No. 8 Downshire Hill through the construction of the proposed basement adjacent to this neighbouring listed building. The occupier of No. 8 Downshire Hill has instructed separate Structural and Geological Reports from the reports submitted by the applicant, which conclude that there is likely to be a substantial impact on the structural integrity of No. 8 Downshire Hill, thus conflicting with the reports submitted by the applicant. The occupier at No. 10 Downshire Hill has also raised issues regarding the Arup report submitted and the assumptions made, concluding that further investigations (such as boreholes to a depth of 20m,

rather than 6m as undertaken by Arup, being drilled and tested) are required before planning permission can be granted.

- The basements are of inappropriate scale that will constitute over development of the site – unacceptable in bulk, form, width, length and depth. In addition, there is no justification for the level of basement works proposed;
- Works at basement level will harm the setting and established character of the surrounding listed buildings;
- Addition of basement swimming pools wholly out of character with the conservation area;
- Set a precedent for other properties in the area for similar development;
- Not in compliance with LB Camden's New Basement Development and Extensions to Existing Basement Accommodation – Guidance Note - December 2008 and this should be considered as part of this application.
- Not in accordance with Camden's Policy DP20 – 1. It would harm the amenity of neighbours; 2. It would affect the structural stability of neighbouring properties; 3. It would affect drainage; 4. It would lead to loss of trees; 5. It would harm the appearance of the property and character of the area; 6. The impact of such a development in the local area would be inappropriate. Request that this is considered as part of the application (For information this is emerging policy is now known as policy DP27);
- One objector notes that subterranean development can legitimately be considered at the planning application stage (reference is made to appeal cases in LB Camden (APP/X5210/A/08/2061319 - 36 Park Village East & APP/X5210/E/08/2081610 – 50 Well Walk), precedent appeal cases elsewhere confirms subterranean development can impact on the character and appearance of conservation areas and listed buildings and the impact on the structural integrity of adjoining properties can be considered a material consideration in the planning process (reference is made to cases within Royal Borough Kensington and Chelsea – APP/K5600/E/08/2088470 - 3 Halsey Street & APP/K5600/E/08/2079608 – Mallord Street);
- Basements will cause vibrations and low frequency sounds.

4.24 Design

- Proposed development does not respect the predominant rear building line of properties along Downshire Hill;
- Front lightwell proposal is not in character with that of the conservation area owing to the additional width, depth and subsequent character of the streetscene. In addition the lightwell will neither preserve nor enhance the character and appearance of the conservation area.
- Overdevelopment of site above and below ground floor level – covers up to 67% of the site; other properties cover 20% of the site. 2,500 sq ft to 7,000 sq ft uplift in floor area is unacceptable overdevelopment;
- Three storey side extension on west side of property is too bulky / east side extension is too bulky;
- Size of the proposed building represents an overdevelopment which is totally out of place and will dominate this part of Downshire Hill – loss of views and gaps through the site between the neighbouring buildings from the proposed

west wing and east wing proposals – subsequent negative impact on the streetscape;

- Replacement building would be “soulless and architecturally sterile”; another objector notes that the replacement building would be of “too greater variation from the original building”;
- Bulk increase in terms of footprint and height, harm of causing precedent elsewhere in the area.

4.25 Listed building issues

- Objection to the demolition of the listed building “which would send out a terrifying message for the future protection of our historic architecture and historic built environment” resulting in “the whole of an historic fabric, and a very prominent part of the streetscape” being demolished. Another responses states “I believe it could and should be restored” instead of demolished;
- Lack of information provided on the listed garden walls at front and rear of the property; more accurate information is required;
- Harm of the proposed building on the setting of neighbouring and other nearby listed buildings along Downshire Hill owing to the proposed development not being in keeping with the height, bulk or scale of existing neighbouring listed buildings. Instead the proposals “detract from the uniformity of and unique character of the area, and represent an overdevelopment of the subject site with unnecessary bulk thereby detracting from the character of the area”.

4.26 Proposed air conditioning units

- Noise from air conditioning unit in rear garden causing loss of amenity (e.g quiet enjoyment of rear gardens / terraces / rooms to the rear of the buildings on Pilgrim’s Lane) to neighbouring occupiers;
- Release of unnecessary amounts of CO2 into the atmosphere.

4.27 Trees / landscaping elements

- Loss of the rear garden area is detrimental to the nature of the conservation area (and not in accordance with LB Camden’s New Basement Development and Extensions to Existing Basement Accommodation – Guidance Note - December 2008).
- If a basement is built there will be no way that the soil or significant trees will ever return to the site;
- Proposed scale of hard landscaping would adversely affect the character of the street;
- Potential impact on the existing trees to be maintained within the garden.

4.28 Wildlife

- Loss of trees would impinge on local wildlife;
- More evidence required to show that the application site is of “low inherent wildlife value”.

4.29 Transport

- Concern over the additional traffic caused by swimming pool and air conditioning maintenance vehicles;
- Inadequate parking provision on-site;
- Front garden should not be used for off-street parking.

4.30 Amenity

- Sunlight / daylight impact on neighbouring properties, in particular the impact on the study at second floor level and rear window at first floor level of No. 8 Downshire Hill. The occupier at No. 8 Downshire Hill has submitted technical evidence to show the loss of daylight to rooms within this existing property;
- Overlooking to properties to the rear and loss of daylight and sunlight to No. 10 by the rear extensions proposed;
- New windows on the east elevation are visually unacceptable and will lead to a lack of privacy to neighbouring occupiers;
- The 'staff quarters' proposed is unacceptable for human habitation in the 21st century - concern over lack of light and provision of escape from the proposed staff bedroom.
- The overdevelopment of the site will set a precedent for allowing development in other front and rear gardens in Downshire Hill, "It will impact on all residents and their ability to enjoy the amenity value of their gardens and homes".

4.31 Other comments

- The need for "a complete leisure centre" / swimming pool not considered to be facilities required by 'a modern family home';
- Applications should not proceed without a public meeting in which residents' objections can be properly heard;
- Proposed use would "completely distort the original use and purpose of this historic site";
- Inconvenience of noise/disturbance during the building of the basement;
- The proposal does not consider the cumulative impact of the proposals;
- The submitted elevations look like a development for a block of flats; not a family house.

4.32 In the week prior to the application being originally scheduled to be considered at Development Control Committee on 22nd October 2009, a further 23 objections/comments were received.

4.33 These were received from the following addresses: No's 4, 8, 16, 27, 41, 52 and one unspecified number, Downshire Hill; 8 Carlingford Road, 60 Compayne Garden;, 26 Crossfield Road; 36 Avenue Mansions, Finchley Road; Unspecified number, Hampstead Hill Mansions; 14 Keats Grove; 8 Leinster Mansions, Langland Gardens; 5 Lyndhurst Gardens; Unspecified number, South Hill Park Gardens; and seven unspecified addresses.

4.34 A response made on behalf of an occupier at No. 8 Downshire Hill consisted of a Counsel Opinion by David Holgate QC on the legality of the approach proposed to be taken by the Council in determining the applications for planning permission and listed building consent. This is based on the officer report prepared for the

Development Control Committee meeting on 22nd October 2009. In summary the opinion states that the Report to Committee was legally flawed owing to failing to take into account PPG14, not considering the emerging LDF policy on basement developments to be a material consideration, not dealing sufficiently with the issue of precedent or taking into account sufficiently a concern raised regarding carbon emissions. As such, the opinion concludes that “it would be unlawful for the members of the Planning Committee to grant either planning permission or listed building consent”. If such decisions were taken they would be susceptible to challenge by judicial review and liable to be quashed by the High Court.

4.35 The majority of the 23 responses stated the following:

- opposition to the proposed basement application at No. 9 Downshire Hill;
- strong support of Camden’s published draft LDF policies for controlling basement development;
- Given the geology below Hampstead village that Camden, in accordance with national guidelines, places a strict onus of proof on developers that any proposed deepening of basements will not destabilise the ground in the wider neighbourhood.

4.36 These responses included reference to some other concerns, which are summarised as follows:

- Potential increase in flooding of other houses (specifically existing basements) caused by proposed works destabilising the ground in the wider neighbourhood;
- The proposals would set a precedent for similar applications in close vicinity to the site;
- Disruption to neighbours and road users during construction an important issue (based on a prior experience);
- Bulk of the enlarged house is unacceptable – another objector states the proposal amounts to “architectural butchery”;
- The garden should not be allowed to be used as car parking as it has never done so in the past;
- Proposed development would be a burden on local services, such as car parking.
- Query over whether a 7,000 square foot house (that is fully air-conditioned) is environmentally neutral.

4.37 A further objection was also received at this time from Cllr Roberts, with the letter also including the name of Cllr Knight. The points raised in this submission are as follows:

- Gross over development of the site above and below ground including 200% of floor area, overbearing to the front and side elevation with No 8 and adverse impact on amenity value. The Design and Access Statement submitted omits the extent of the additional bulk that the proposed design would result in.

- Failure to consult London Underground Limited (LUL), as recommended in the applicant's Geological Report, due to the proximity of the underground tunnels to 9 Downshire Hill.
- No Hydrological Report has been submitted and whilst the LDF is still in the consultation stage it is worth noting the 'preferred policy DP20' that actually recognises the unique subsoil's of Hampstead and the impact that basement development can have on the stability of this geology. (This proposed policy also states that basement developments should not excavate more than one full storey below ground). Ward Councillors Cllr Roberts and Cllr Knight are increasingly contacted by residents in and around the South End Road area (which adjoins Downshire Hill) whose homes have been flooded. It is therefore an imperative that any application such as this should have a full hydrological report included.
- Loss of natural light to both 8 and 10 Downshire Hill.
- Noise from air conditioning units.
- The application, were it to be granted, would increase the risk of further flooding in the area which has already become a major problem.

Re-consultation responses

Statutory Consultees

4.38 English Heritage has commented as follows:

"We do not wish to comment in detail but offer the following general observations.

The additional information provided comprises of further groundwork and analysis in respect of the proposed works of demolition and development at No. 9 Downshire Hill. English Heritage responded in detail in respect of the proposals, including the demolition of the existing Grade II building, in our letter of 9 June 2009 *[In actual fact this letter was dated 17 June 2009]*.

The further analysis submitted seeks to address the issues of local geology, the viability of the proposed scheme, and to assess the extent of potential damage to neighbouring properties. English Heritage has also received comments from concerned residents and local residents groups, including the engineering advice they have received, which raise concerns relating to the impact on both neighbouring properties and the wider underlying geological conditions.

The issues of the wider ground conditions and potential damage have implications for all buildings and development within the area, and raise issues wider than the specific impact on the character and appearance of the conservation area or on the significance of the listed buildings. English Heritage's acknowledges that the condition of No 9 Downshire Hill is such that it cannot be saved and considers that in respect of the impact of the replacement building on the character and appearance of the conservation area that the proposed development is acceptable. However, the issue of potential damage resulting from the dismantling and redevelopment of the

site and ground conditions specific to the Hampstead Highgate Ridge are beyond the ability of English Heritage to fully assess and are applicable to the wider issue of development rather than specific to the impact on the historic environment.

PPG 14 sets out the Government guidance in respect of developments on unstable land and as such we would advise that in determining the application you should ensure that you have received the relevant advice and guidance to determine this application within this wider framework. In these circumstances we would urge the local authority to be satisfied that it has all the available information to seek a balanced decision.

4.39 The Environment Agency was been formally consulted owing to the nature of the additional information submitted by the applicant. The Environment Agency has commented as follows:

“1. The application has been backed up with clear and informative reports, and I am particularly happy with the applicants attempt to carry out some generic risk assessment on various aspects of the proposed development.

2. The hydrogeology and hydrology portions of the report have clearly identified a probable risk of flooding and I agree with this and also with the proposed measure to manage this risk.

3. Looking at the generic risk assessment relating to groundwater with respect to the emergence of springs, I am not happy with the assumption that the sunken garden at the rear will capture any surface flow (the amount, frequency and soil conditions will play a role). I would like to see a provision made to safely convey any surplus water from the garden away to drain to prevent flooding.

4. I would also like to see provision made to capture any water that may result from probable artesian flow, as this cannot be completely excluded considering the amount of weathering recorded in the London Clay, which may provide sufficient connectivity to the more permeable sediments of the Claygate Member.

In all it is evident that the applicant has made considerable effort to address the major issues of concern and the proposed rainwater harvesting and storm drainage system will have a positive impact on reducing any risk of flooding in the area”.

4.40 In relation to the points raised by the Environment Agency in points three and four above, the applicant responded as follows:

3. “We would expect the main risk from springs to be at the surface boundary between the less permeable London Clay and the overlying more permeable Claygate Member. This boundary is shown to be north of the site beyond the southerly row of houses on Pilgrim’s Lane. We also note, as per Section 5.6 of the geotechnical report, that there is no evidence of the

Claygate Member being present on the site nor of ground surface springs associated with this boundary. It is possible that surface and / or shallow groundwater flows may intermittently occur due to heavy rainfall further uphill and that this water may reach the site, however to do so it will need to pass other properties on its way. Notwithstanding this, we have proposed a near surface weir system along the rear wall of the sunken garden (section 9.7 and figure 9.3 of the report) to minimise any damming effect of the basement to shallow water flow. Shallow water flow and surface water flow will be allowed to drain into the sunken garden and will be pumped out as will any collected rain water falling in to this feature. This water will need to be disposed of as identified in the report and risk assessments.

4. The possibility of artesian conditions arising on the site was considered but Arup feel that although it is a possibility, it is not probable that such conditions would occur (sections 5.4, 5.4, 5.8 of the geotechnical report). However, if it is felt that possible artesian pressures are a concern then they could be dealt with expediently by installation of a vertical passive well at the two rear corners of the basement box. These passive wells would fill with groundwater to the natural head level of the groundwater in the soil. If this head level were to rise above hydrostatic levels the wells would overspill into the weir system already proposed and thus into the sunken garden for disposal. These wells would only produce water in exceptional circumstances which have not been seen during the period of ground investigation or subsequent monitoring. This additional groundwater control could be implemented without detrimental effect on the basement design, however such wells would result in extra cost of construction and would require appropriate ongoing maintenance to prevent clogging”.

4.41 The Environment Agency subsequently responded as follows:

“Point 3:

In agreement with your conclusions, it appears that Claygate Member is absent at the site, and that the site is directly underlain by London Clay. However, our records indicate that we have received complaints on issues related to groundwater flooding from proximal areas with similar geologic settings. Having said this, the proposed sunken garden and pumping of collected waters can limit potential effects that may be related to groundwater issues at this site.

Point 4:

Similarly, the proposed passive wells are considered to be sufficient in diffusing pressures that may otherwise cause artesian conditions.

I can therefore confirm that earlier concerns raised have been considered and appropriately addressed”.

4.42 The Council for British Archaeology, The Society for the Protection of Ancient Buildings (SPAB), The Twentieth Century Society, The Ancient Monuments Society, The Georgian Group and The Victorian Society were all formally re-consulted on the listed building application but have not provided a response.

Conservation Area Advisory Committee

- 4.43 Hampstead CAAC has not provided any additional response to date.

Local Groups

- 4.44 The Heath and Hampstead Society (as part of three separate submissions) object to the proposed development. The Heath and Hampstead Society have objected with specific reference to the additional Geotechnical Report submitted in February 2010 by the applicant. The Heath and Hampstead Society objection includes a joint report carried out by First Steps Ltd. and Eldred Geotechnics on behalf of No. 8 Downshire Hill (The Heath and Hampstead Society and occupiers of No's 8 and 26 Downshire Hill are referred to). The conclusions of this report are outlined in the section below regarding objections from the occupier of No. 8.
- 4.45 The Heath and Hampstead Society has however provided a separate summary, parts of which are as follows:

"The grounds for rejection are that the exhaustive geotechnical investigation reviewed in the Technical Report clearly shows that the development will trigger neighbouring ground movement and instability, which is likely to cause severe, and therefore unacceptable, damage to neighbouring property; it does not, however, provide any solution which is within the control of the developer and by which this problem can be satisfactorily overcome. Consequently Camden has no option but to refuse planning permission on the grounds stipulated in PPG 14.

We summarise this conclusion as follows.

The Investigation predicts significant ground movement affecting the neighbouring property

The Technical Report has calculated that movements of up to 10mm vertically and 12mm horizontally will occur under the foundations of No. 8 Downshire Hill and has predicted that this will result in underground cracks of 3-4mm.in the fabric of No. 8.

The resulting damage to No.8 will be severe

The Technical Report describes (paragraph 9.3.1.) the resulting damage to the fabric of No. 8 as "slight", referring to the width of the cracks and implying that cracks of this width can normally be re-pointed and re-decorated. By adopting this designation alone of the predicted damage, the Technical Report fails to analyse either the consequences or causes of the likely damage.

By contrast the Technical Response does address these all important issues. It shows (Introduction paragraph 6, Overview, Damage Estimation and Comments on Developer's Damage Estimation) on the other hand that the predicted movements will cause severe damage to No.8, given the construction, age, setting (in particular the fact that the proposed excavation

and construction will be hard up against the side foundations of No.8 giving no room for mitigation of wrongly estimated damage) of that property. The damage will occur to that property's underpinning piles, ground movements will pull the supporting beams on which part of No. 8 sits away from the basement in which they are set, and will cause cracks to the foundation concrete of the tanked basement exposing its reinforcement to long term erosion as well as exposing the basement to the risk of flooding.

The predicted ground movement is in any case very likely underestimated and the risks attendant on any underestimates are not properly analysed by the Technical Report.

The Technical Response also points out (under the heading Ground Movement) that five of the technical assumptions and approximations on which ground movement prediction in the Technical Report is based are inappropriate and that the prediction of ground movement is therefore probably understated. In addition the Technical Response points out in the same section that the Generic Risk Assessment (Appendix A of the Technical Report) fails to address or analyse the uncertainties thrown up by these five unreliable assumptions and approximations or by other unreliable assumptions highlighted under Low Angle Landslides and Quality and Scale of Construction.

- It should not be assumed that the soil stiffness values used to predict the movements to the ground on the site of No. 9 can also be used without further soil samples under No.8 for predicting ground movement under No. 8.
- There are questions about the reliability of the K_0 value used in the computer model
- The computer programme used is weak and the outputs have apparently been arbitrarily adjusted
- The proposed temporary support system is unlikely to provide the assumed restraint of movement
- The prediction is entirely dependent on the performance of the contractor being optimal with no room for error or delay beyond 3 months. Given the unprecedented scale of piling, soil removal and concrete pouring required by the proposal and the unexplained remaining geological uncertainties (shallow shear surfaces on a slope of 8%), considerable scope for delay and problem solving should have been included in the movement prediction model.

The Technical Report acknowledges by implication that risks to neighbouring property from its ground movement predictions have not been reliably estimated.

Appendix A3 page 2 of the Technical Report recommends that a performance monitoring regime will be required during construction in case the ground movement exceeds the predicted levels once construction has begun. What the Technical Report therefore fails to show, which the planning system through PPG 14 requires it to show **before** planning approval is given, is that the developer can ensure that predicted ground movement will not cause severe damage to No.8.

We ask Camden to refuse the application on the above grounds”.

- 4.46 The Heath and Hampstead Society also consider that emerging LDF Policies DP27 (Basements and lightwells) and DP23 (Water) should be regarded as material considerations, in line with a full opinion provided by David Holgate QC on 16th October 2009.
- 4.47 The Church Row Association (CRA) object to what is considered to be the ‘gross development’ of the site. CRA conclude that “it would be an utter disgrace to allow this project to proceed, it is so excessive”.
- 4.48 Downshire Hill Residents Association (DHRA) objects to the proposals. In summary DHRA state “The risks involved in this development, the damage that will be caused to neighbouring properties, the potential damage (short and long term) to other properties in and around the street, are wholly disproportionate to any merits in the application”. DHRA consider the proposals to be a gross over development of the site.
- 4.49 More specifically, there is considered to be no benefit to the community from the proposed scheme. Questions are raised regarding the need for the second floor of basement accommodation, which is shown to be for a swimming pool, gymnasium and changing rooms. Such facilities do not provide additional residential accommodation or community benefits; instead it is considered to be a commercial venture.
- 4.50 DHRA point out that the applicant has acknowledged the development will cause some damage to neighbouring properties; the full extent is a matter of professional dispute. DHRA are of the view that the optimistic view of the applicant is unacceptable and the implications will have knock on effects for not only No 8 but also No. 7 Downshire Hill (which would not be covered by a party wall agreement).
- 4.51 Concern is also raised regarding the impact of excavation on the local transport network along Downshire Hill, by virtue of lorries required to undertake the required works. This will cause subsequent negative implications for local residents (in terms of amenity and impact on properties themselves from vibrations) and road users over a three month period.
- 4.52 Furthermore, DHRA consider that the Council’s emerging basement policy should be used in this instance and that it has been drafted for good reason. Such a policy “would automatically result in the rejection of this application”.

Local Councillors

- 4.53 Cllr Philp objects on the following grounds:
- It will cause damage to neighbouring houses;
 - There is a risk of water ingress and slippage for this house and neighbouring houses;
 - There will be a lot of noise and dust associated with the construction works.

Adjoining occupiers

- 4.54 Letters were sent to 83 occupiers as part of the re-consultation process. In addition, site notices were erected on 03/02/2010, expiring on 24/02/2010. Eight letters of support for the proposals have been received from the occupiers of the following properties: 1a Downshire Hill; 22a East Heath Road; Flat 3, 17 Fitzjohn's Avenue; 3 Murray Terrace; 22 Redington Road; 33 Redington Road and two letters of support have been received from unspecified addresses.
- 4.55 A total of 37 objections were received from the occupiers of the following properties: No's 4 No's 8 (two separate submissions), 10, 13a, 15, 16, 18, 19, 23, 26, 27, 31, 34, 41, 43, 46 Downshire Hill; 11, 14, 18 (two separate objections from different occupiers), 22, 27, 28, 35 Pilgrim's Lane; 7 Frognal Gardens; The White House and No's 4 and 14, Keats Grove; 22 Kemplay Road; 31 Rudall Crescent; 87, 89, 95, 97 South End Road; 12 Willow Road and three objections have been received from unspecified addresses.
- 4.56 Two separate submissions were received from an occupier of No. 8 Downshire Hill. Part of the submission includes a joint report from this occupier (together with The Heath and Hampstead Society and an occupier of No. 26 Downshire Hill) by First Steps Ltd. and Eldreds Geotechnics (as alluded to in paragraph 4.44 above). The overall conclusions of this joint report are as follows:

"Our overall view remains unchanged from that expressed on 23rd February, viz. that there is sufficient cause for concern for the Council to refuse permission for the development as submitted.

We agree with Ove Arup that movement will occur beneath the neighbouring properties; in that regard our two reports are as one. This movement creates instability in neighbouring ground and as such Richard Parrish of English Heritage has written to Council (2nd March 2010) advising of the need to satisfy the requirements of Planning Policy Guidance 14 (1996) in this matter.

Where we differ from the proposer is in the implications of those movements for neighbouring properties; Ringline Properties present this as a matter that is understood sufficiently to be controlled and result in "slight" damage and there we strongly disagree. This work could

- i) damage the piles beneath No.8,
- ii) pull the supporting beams on which part of No.8 sits from the basement in which they are set, and
- iii) crack foundation concrete to expose its reinforcing to long term corrosion.

We believe the case for slight damage has not been properly made for the reasons outlined below and that considerable uncertainty remains that No.8 could be seriously damaged unless underpinned and structurally strengthened. Our concerns stem from the two basic facts;

that this application results in movement of neighbouring ground because it requires an excavation that is too close to its neighbours for its size, and

the boundary walls for that excavation will direct shallow groundwater to neighbouring basements which will have been damaged by the movements caused by the excavation.

Finally, It is important for Council to remember that the difficulties identified by Ove Arup and their implications for No.8 as highlighted here are the best outcome the developer presents even using an ideal contractor, competent and diligent supervising staff, high quality engineering construction and an excavation and construction programme uninterrupted by unforeseen delays (as from inclement weather, interruption of supplies, accidents etc). Despite the assurances from the developer there is no guarantee that such assurances for any of these will be honoured, yet if this development goes wrong serious damage to neighbouring properties can follow, leaving the occupiers facing the prospect of legal action to redress the effects. Approval of this proposal as it stands seems to give far too much favour to the developer and far too little protection to the residents”.

- 4.57 The occupier at No. 8 also objects to the gross overdevelopment of the site and the damage to his and neighbouring homes, including the scale of construction required causing substantial vibration to listed buildings along Downshire Hill. Objections are also raised on the basis of a loss of light to a study at second floor level of No. 8 and the proposed air conditioning unit being “out of line with Camden’s carbon policy”.
- 4.58 In summary it is noted in the objector’s first submission that “In short the Developer’s proposal seeks Council’s permission to damage my and other listed homes, insert an interference with ground water flow whose design has no permanent solution for the change in water regime it will produce and cause substantial disturbance removing 5000tons of spoil for no benefit or contribution to the conservation area of 50 other listed homes. In view of the above, Camden should take a stance and say that this level of commercial scale building in a conservation area with 50 listed homes and associated level of damage is unacceptable. The application should therefore be rejected”. In the second submission it is concluded “The case for ‘slight’ damage has not been properly made for the reasons outlined above and that considerable uncertainty remains that No.8 could be seriously damaged unless underpinned and structurally strengthened”.
- 4.59 A summary of the objections raised by other responses to the formal re-consultation are as follows:
- 4.60 Basement Development
- Flooding and subsidence to nearby properties (No’s 8 and 10 Downshire Hill specifically referred to, but also elsewhere on Downshire Hill, Keats Grove and Pilgrim’s Lane) caused by proposed excavations, owing to the unstable land and level of the water table in the local area. One objector for example states “Geotechnical survey or not, common sense precludes this development”.

- Applicant has recognised that ‘slight’ damage may occur to nearby properties from the proposed works; this “does not make it acceptable... this is not a mere ‘party wall’ issue. If an application resulting in damage is approved a dangerous precedent will have been set wherein any resident could be faced with a situation in which their property is at risk of damage as a direct result of the council’s action”. Moreover, a number of objections indicate an opinion that damage will be significant and not ‘slight’ as stated by the applicant;
- Construction of deep basements not common place in Downshire Hill and is consequently an entirely inappropriate development in the area. A number of objections note the size of the basement proposed is required for financial gain by the applicant. Furthermore, a number of objectors refer to a single storey of basement accommodation beneath the footprint of the existing house may be appropriate, but the second storey of basement accommodation is excessive and unnecessary given the site and local area characteristics;
- Contrary to emerging policy DP27 on basement developments, which it is considered by a number of objections to be a material consideration and one should be taken into account in the determination of this application.

4.61 Design

- Gross overdevelopment of the site both above and below ground level, out of keeping with the conservation area and setting a precedent for other properties in the local area. The additional information submitted has not changed the proposed scheme in any way;
- Above ground floor level one objector notes that existing gaps between the host and neighbouring properties should be maintained.

4.62 Transport

- A number of objectors have raised issues with the potential transport implications during construction of the proposed development;
- Inconvenience of building works on local residents and nearby buildings, caused by movement of lorries along Downshire Hill is noted (given the additional information submitted by the applicant estimates that 6 lorry movements per day over a period of three months will be required to undertake the necessary excavation works);
- More specifically, noise, congestion and disturbance (for example possible damage to parked cars) implications are envisaged for local residents and vibrational / possible structural implications for nearby buildings are noted. The road itself is identified as being particular susceptible to potholes, illustrated by adverse weather conditions of the winter. Other responses have pointed out that the road is already a busy ‘cut through’ route and the proposed scheme will add to congestion in the local area.

4.63 Trees

- Destabilisation of nearby properties caused by felling of mature trees;
- Concern over possible disturbance to three tall trees within the rear garden caused by the proposed development.

4.64 Air conditioning / amenity

- Noise disturbance arising from the proposed air conditioning equipment resulting in a loss of amenity for local residents in “what is now a wonderfully quiet area”;

4.65 Other comments

- “There is no community benefit to scheme... It will in the short and long term do damage and literally undermine the street”;
- There is no additional housing created by the proposed scheme (replacement of a single dwellinghouse) and it will not “bring an increase in income for the Council since the earlier house would already have been rated in the top bracket”.

5. POLICIES

5.1 Replacement Unitary Development Plan (UDP) 2006

SD1	Quality of life
SD2	Planning obligations
SD4	Density of development
SD6	Amenity for occupiers and neighbours
SD7	Light, noise and vibration pollution
SD8	Disturbance
SD9	Resources and energy
H1	New housing
H7	Lifetime homes and wheelchair housing
B1	General design principles
B3	Alterations and extensions
B6	Listed buildings
B7	Conservation areas
N5	Biodiversity
N7	Protected species and their habitats
N8	Ancient woodlands and trees
T2	Capacity of transport provision
T3	Pedestrians and cycling
T4	Public transport and development
T7	Off-street parking, city car clubs and city bike schemes
T8	Car free housing and car capped housing
T9	Impact of parking
T12	Works affecting highways
Appendix 1	Noise and vibration thresholds

5.2 Local Development Framework (LDF) Core Strategy and Development Policies

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.

5.3 **Core Strategy Proposed Submission**

CS1	Distribution of growth
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
CS19	Delivering and monitoring the Core Strategy

5.4 **Development Policies Proposed Submission**

DP2	Making full use of Camden's capacity for housing
DP6	Lifetime homes and wheelchair homes
DP16	The transport implications of development
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

5.5 **Other Relevant Planning Policies**

PPS 5	Planning for the Historic Environment (Published: 23 rd March 2010)
PPS 9	Biodiversity and geological conservation (Published: 16 th August 2005)
PPG 14	Development on Unstable Land (Published: 30th April 1990)

Camden Planning Guidance 2006

1. Access for all (p1)
6. Biodiversity (p30)
10. Conservation areas (p47)
11. Construction and demolition (p51)
13. Cycle access – parking and storage (p58)
14. Daylight and sunlight (p61)

15. Design (p65)
17. Energy and on-site renewable facilities (p74)
23. Landscaping and trees (p97)
24. Lifetime homes and wheelchair housing (p105)
25. Light (p111)
26. Listed buildings (p114)
27. Materials and resources (p117)
28. Noise and vibration (p120)
29. Overlooking and privacy (p125)
32. Planning obligations – General guidance relating to all developments (p136)
38. Plant, machinery and ducting – Design and siting (p172)
40. Residential development standards (p194)
44. Sustainable design and construction (p216)
49. Vehicle access to sites, car parking and servicing (p243)
50. Waste and recyclables – Onsite storage (p251)
51. Water (p257)

5.6 **Supplementary Planning Document** Hampstead Conservation Area Statement

5.7 **Other Guidance**

New Basement Development and Extensions to Existing Basement Accommodation – Guidance Note – December 2008.
Camden Tree Strategy
Camden Biodiversity Action Plan

- 5.8 Please note that the guidance note on basement development was prepared as a response to significant recent growth in such schemes within the borough. The purpose of the guidance is to draw together the existing national and Camden requirements and expectations for basement development, and to assist applicants and others to interpret the various policies and regulations that apply. The guidance note does not seek to introduce new policies for basement development, but provides advice on how the Council's existing adopted planning policies within the UDP will be interpreted and applied.

6. **ASSESSMENT**

- 6.1 The principal considerations material to the determination of these applications are summarised as follows:

- Principle of development – Demolition of existing building
- Principle of development – New housing
- Design considerations
- Structural issues
- Quality of residential accommodation proposed
- Amenity issues
- Trees and landscaping
- Nature conservation
- Sustainability measures

- Transport

Principle of development - Demolition of the existing building

- 6.2 When the application was originally submitted, the assessment of the demolition of the existing Grade II listed building was considered against the tests of national policy PPG15. On 23rd March 2010 PPG15 was withdrawn and superseded with PPS5 (Planning for the Historic Environment). As such, national planning policy guidance in relation to the historic environment has changed. The Council's policies, notably policy B6 (Listed buildings), remain unchanged. The listed building application for demolition is thus first considered under PPS 5.
- 6.3 Policy HE9 within PPS5 sets out principles guiding the considerations for applications for consent relating to designated heritage assets (listed buildings are designated heritage assets). Paragraph HE 9.1 states that *"Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building [...] should be exceptional."*
- 6.4 Further, paragraph HE9.2 goes on to set out the considerations for such a proposal, and states that *"Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:*
- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or*
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and*
(b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
(c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
(d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use."
- 6.5 In light of the above, it is not considered that part (i) is applicable in this instance. As such, the proposals to demolish the existing structure must instead be assessed against the criteria outlined in part (ii).
- 6.6 Point (a) relates to the nature of the asset. In this case the demonstrably poor condition prevents the building from being used and therefore prevents the site from being occupied. There is a range of evidence to demonstrate the poor condition of the existing building. It is considered that the structure has deteriorated comprehensively due to the cumulative damaging effect of the poor quality original build and materials, many years of neglect and inappropriate repair, and recent significant fire and water damage. Furthermore, options for the retention of the structure have been explored, including the retention of the front façade and rebuilding behind this, but these have been found not to be possible. This is owing to the amount of repair required, due to the poor quality materials and workmanship of the original build, would be tantamount to complete dismantling and rebuild. This is a view that is shared by specialist staff at English Heritage.

- 6.7 The particular structural problems, as noted in the PPG 15 Justification Statement report submitted by the applicant (page 20) summarise the poor build quality (including no binding within the original mortar; no mortar applied to many of the vertical joints; mortar lacks adhesive properties due to excessive sand in the mix; bricks of poor quality – many under-fired and with large inclusions; erratic bonding; windows under-sized for the apertures with resulting gaps back-filled with shavings) and the problems arising from neglect and inappropriate repair. These problems were evident during a number of site visits undertaken, and the findings in the report submitted by the applicant are not considered to be an over-estimation of the issues. The problems listed have been viewed on site by all parties involved and the collective expert view, including that of specialist staff at English Heritage, is that the building has now reached the end of its life as a result of its unique circumstances.
- 6.8 Turning to point (b), it is considered that no viable use can be found for the building as it is not in a habitable condition, and brining it back into habitable condition will entail wholesale dismantling and reconstruction, as noted in the previous paragraphs. Furthermore, it is important to verify that new or alternative uses are not considered to be appropriate in this instance, nor have they been sought. The applicant is seeking to erect a new replacement dwellinghouse on the site. In addition, initial considerations regarding the retention of the front and flank facades have been discounted following close examination of brickwork during site visits undertaken.
- 6.9 In addition, it is considered that every effort has been made in order to save the existing building, which has been stabilised and comprehensively surveyed and assessed over the past two and a quarter years. The Council's conservation and urban design team and English Heritage officers and engineers have been kept closely involved with findings on site during this time, and the national amenity societies have been engaged with. English Heritage considers that all reasonable efforts have been made to assess the condition of the building and the possibility of continued viable use. English Heritage also consider that the condition of the building is such that further marketing of the property for the purposes of finding a viable use would not serve to secure the retention of the building.
- 6.10 In relation to point (c) English Heritage experts have visited and assessed the site. As already alluded to, English Heritage are also of the view that the building is beyond meaningful repair. As such, grant-funding criteria are not considered to be met. Moreover, it is understood that no grants have been offered. As such, this criterion is considered to be met.
- 6.11 Finally, with regard to criteria (d) it is considered that the rebuilding on the site will demonstrably benefit the character and appearance of the Hampstead Conservation Area. The property has been on English Heritage's Building at Risk register for a number of years and it is considered that the local area is currently blighted by the poor condition and appearance of the existing building, secured by scaffold and enclosed by high boards for security purposes. Moreover, it is considered that the proposed replacement building takes the existing building as its starting point in terms of its general architectural approach, form and height, and

in the re-use of all possible salvageable decorative fabric (for example elements including the external ironwork balconies and the internal doors, cornices and architraves). The contribution made by the new building is assessed in more detail below. However, in short, it is considered by English Heritage to reinstate the contribution to the character and appearance of the conservation area undermined by the condition of the current building.

- 6.12 Following on from this, Policy HE7.6 of PPS5 states that *"Where there is evidence of deliberate neglect of or damage to a heritage asset in the hope of obtaining consent, the resultant deteriorated state of the heritage asset should not be a factor taken into account in any decision."* This is not considered to be the case in this instance. The present owners acquired the building with its current defects, and have demonstrated in shoring up, monitoring and surveying the building what is considered to be a commitment to finding the most appropriate way forward.
- 6.13 Therefore it is considered that it has been demonstrated on site and in the application submissions that there have been exceptional circumstances leading to the building's serious and irremediable deterioration, and as such, the relevant PPS5 policies are met. Although the loss of the existing historic building is considered to be regrettable, approval is recommended for the building's demolition due to its condition and the unique and unfortunate circumstances which have led to its deterioration. To this end, policy B6 is met. It is however important to highlight that these circumstances are wholly exceptional and that this conclusion does not set a precedent for similar works elsewhere in Hampstead or indeed in the borough.
- 6.14 In short, it is considered that the principle of the demolition of the existing listed building has been justified, and is accepted, in this instance.

Principle of development – New housing

- 6.15 In terms of the provision of new housing, Policy H1 seeks the fullest use of underused sites and buildings for housing and provided that the accommodation reaches acceptable standards. This proposal would provide a residential unit at a currently unoccupied residential site and subsequently complies with this policy. Housing is also the priority land use of the UDP.

Design Considerations

- 6.16 It is first important to verify that the erection of an exact replica of the existing building proposed to be demolished is not considered to be possible, primarily owing to current building regulations. Given that the new building will not be listed there are no heritage considerations that relax or exempt the building regulations being followed.
- 6.17 The floor levels within the proposed building will remain the same as the existing building at above ground level (they will not at subterranean level). This will ensure that the existing position of the fenestration can be replicated in the proposed design. Moreover, the overall character and appearance of the front elevation and the streetscene at this point can therefore also be retained within the proposed

scheme. In terms of the plan form of the proposed building, above ground floor level a two-room plan form has been proposed. The associated stair compartment positioned to the side of this in the south-west side wing. Whilst it is acknowledged that it is not proposed to rebuild in facsimile internally, original features, such as doors, will be re-used where possible. Furthermore, lost features such as architraves and cornicing will be reinstated using templates from the salvaged fabric during the construction stage. The continued use of original features such as these is supported in design terms.

- 6.18 On the front elevation, the existing two-bay, four-storey (upper most part of lower ground floor level, ground, first and second floor) element which forms the principal part of the elevation will be rebuilt in facsimile. This includes the reinstatement of existing timber framed sash windows at second floor level and french doors at ground (with arch tops) and first floor level where their condition allows. In addition it is proposed to use an ashlar render finish and reinstate the remaining ironwork and the missing ironwork elements at first floor level. English Heritage has sought for details of all external finishes to be agreed with the Council prior to the commencement of works. It is recommended that this is secured via condition.
- 6.19 Above the sash window at second floor level the height of the parapet will replicate that of the existing building to be demolished. Just below the parapet level it is proposed to introduce a cornice detail. Although there is no clear evidence for this, the significant depth of the elevation between the window heads and cornice (nearly 1.5m) would suggest that there would have been likely to have been some decorative element to visually break up this area. Such details are considered to be commonly seen on buildings of this period with a concealed roof. As such it is not considered that the introduction of this element is harmful to the building's overall composition or architectural integrity.
- 6.20 It is proposed to rebuild the existing south-west side wing (adjacent to the boundary with No. 8 Downshire Hill) in an amended form. It will include with an additional storey and it is proposed to be set further forward on the building line than existing. This will partly accommodate the new staircase within the building and a further bedroom at second floor level. It is considered that in design terms this side wing will continue to be positioned sufficiently back (0.8m) from the front elevation and will consequently continue to appear as a subordinate feature.
- 6.21 It is also proposed to introduce a new side elevation wing, to the north-east side of the building adjacent to the boundary with No. 10 Downshire Hill. This will be a storey lower than the proposed south-west side wing (visible at ground and first floor level on the front elevation) and will be set back further (2.15m at both ground and first floor level) from the main front building line. This difference in height and position on the elevation line are considered to contribute in ensuring the new wing will not become a dominant feature in the composition, nor create a footprint which is out of scale in the context of the building or the streetscene. The central bay is considered to remain the primary architectural feature within the streetscene, and its contribution is not considered to be diminished by the side wings due to their subordinate position and scale. In addition, the scale and position of the new and amended wings are not considered to block any significant views into the verdant rear of the site. Moreover, it is considered that the character of this part of

Downshire Hill is that the buildings, if not in terrace form, are positioned close together. As such, these alterations and additions are considered to be acceptable in principle, preserving the character and appearance of the conservation area and not harming the setting of neighbouring listed buildings at this point.

- 6.22 In terms of detailed design, the proposed fenestration will match that of the existing character of the building, with an arch top window on the new side wing at ground floor level and timber sash at first floor, mirroring the pattern at first floor level on the existing wing. Windows are also proposed on the side elevation of the new wing. The number of windows has been kept to a minimum given that no windows are located on the side elevation of the existing building. The timber sash windows proposed are considered to align with the character of the rest of the facades, preserving the character of the conservation area at this point. English Heritage has also recommended for it to be secured via condition for all windows to be timber double hung, vertical sash sliding windows.
- 6.23 Turning to the rear elevation, this is proposed to be built in yellow stock brick, replicating the existing brickwork. Similarly the side elevations will also comprise the same existing yellow stock brick material. There have been discussions with English Heritage as to the suitability of this material. It is considered that the recommended condition relating to sample panels of all facing materials is sufficient to control the approved material at this point. The existing basement level accommodation at the rear is entirely subterranean. In the new build the second floor of basement accommodation will be subterranean towards the rear of the building. The first level of basement accommodation will be exposed at the rear, and french doors introduced to allow access to the garden via a low, shallow terrace at this lower ground floor level.
- 6.24 At ground floor level, this part of the rear elevation will be remodelled, and a bay introduced. At its deepest point this will project approximately 2m deeper into the rear of the site than the existing rear wing. This additional area of accommodation is contained at ground floor level and is not considered to be significantly harmful on the garden setting of the building. This ground floor level and the exposed basement storey are not considered to cause harm to the setting of the building or the general verdant character of the rear of the street. Further, the additional built depth is not considered to project into the garden to a degree that compromises the ratio of built to un-built area. In addition, there are a variety of depths and dimensions of ground and basement floor extensions within the immediate context, whereas the upper floors, which are visible from neighbouring properties, are more consistent. The proposed rear elevation at first and second floor levels are considered to respect this general depth within this part of Downshire Hill. Given these considerations it is therefore considered that in design terms the character of this private part of the conservation area, not visible from the public realm, will be preserved.
- 6.25 With regard to specifically the basement accommodation, the formation of the additional basement level of accommodation is not considered in design terms to impact on the character and appearance of the conservation area to a significant extent. This is owing to the accommodation being contained below ground level and subsequently it is considered it will not impact on the external appearance of

the building or site. With regard to the impact on the setting of the neighbouring listed buildings, in purely design terms the proposed development is not considered to harm the setting of the neighbouring listed buildings. Moreover, given the current state of the existing building, the design of the replacement dwellinghouse in itself is considered to assist in preserving the setting of neighbouring listed buildings.

- 6.26 The front basement lightwell will be adjusted in the rebuild to be deeper than the existing, in order to allow light into the new levels of accommodation at this point. However, it is considered that the impact of this alteration on the appearance of the conservation area will only be limited, partly owing to the significant depth of the front garden at the application site. Moreover, it is considered that the garden setting of the building will not be compromised. It is however acknowledged that the treatment around this opening must be carefully considered. The sectional drawing submitted indicates that a 'transparent railing' is proposed, but this is not shown on the proposed elevation. As a result it is recommended that a condition is sought, seeking clear elevational and sectional details (including details of materials) to ensure that this does not appear as an incongruous element forward from the front elevation of the building.
- 6.27 English Heritage has also sought for a number of conditions to be added to any consent in order to protect the character and appearance of the proposed building, streetscene and wider conservation area. This includes ensuring that no plumbing, pipes, soil stacks, flues, vents, ductwork, grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the plans recommended to be approved. The removal of permitted development rights, recommended to be secured via condition, will also seek to ensure that the proposed building is not inappropriately altered once built.
- 6.28 Importantly, the applicant has also agreed to enter into an obligation, secured via a Section 106 Legal Agreement with the Council, for the proposed development to be completed within two years of the demolition of the listed building. This is considered to be necessary to ensure that there will be not be a lengthy gap in the townscape at this prominent site within the conservation area. It is also worthy to once again acknowledge that the existing building is on English Heritage's Building at Risk register. The proposed time limit will seek to preserve the character and appearance of the conservation area, ensuring the proposed replacement building is implemented within a reasonable period of time.
- 6.29 Furthermore, English Heritage has recommended a condition to be attached denoting that demolition works shall not be commenced before contract(s) for the carrying out of the completion of the entire scheme of works for which approval is recommended have been made. Evidence of such contract(s) will be required to be submitted to and accepted in writing by the Council to ensure this occurs. Such a condition is considered to be a further safeguard to ensure that the existing building is not prematurely demolished and that the proposed replacement building is actually built, thereby preserving the streetscene and character and appearance of the conservation area.

- 6.30 The proposals also involve the front boundary wall of the application site, adjacent to the Downshire Hill highway. The existing boundary wall incorporates vehicular and pedestrian iron gates, all of which are also listed by virtue of forming part of the cartilage of the main building. These have been removed and the boundary wall dismantled due to its deteriorated condition. It is proposed that the ironwork refurbished and reinstated in the boundary wall, which will be rebuilt in facsimile. These works are considered to preserve the character and appearance of the conservation area.
- 6.31 Concerns have been raised that the proposals would form a precedent for substantial basements within the street or elsewhere in the borough. This is not considered to be the case, a view supported by English Heritage, as the proposals are only enabled in this instance owing to the need to take down the existing property. This is due to the exceptional circumstances outlined earlier in this report. Although proposals for similar schemes would be judged on their own merits, the circumstances and context are likely to differ significantly to that at the application site. For example, issues of ground conditions and stability are likely to vary from case to case. As such the proposals are not considered to set a precedent in either the local or wider area.
- 6.32 In summary, the detailed design of the new building is considered to preserve what is significant about the form and historic aspects of the building, in terms of its contribution to the character and appearance of the conservation area. The materials, form, bulk, height, depth and position on the plot are considered to be broadly consistent with the existing context and the rhythm and appearance of the streetscene. The garden setting is also considered to be preserved at both the front and rear in design terms.
- 6.33 Its facsimile re-construction of the prominent two-bay element and the re-use of salvageable historic fabric and features are considered to ensure that this significant historic fabric and form can be retained, giving some visual and textural continuity to the streetscene, and retain something of the age value contribution that it makes. This is also considered to assist in ensuring that the replacement building is not perceived of as a modern intervention, but as a re-interpretation. Thus, together with the comments outlined in paragraph 4.2 above in support of the proposed building by English Heritage, it is considered that the proposed building will preserve the character and appearance of this part of the Hampstead Conservation Area. The S106 obligation to complete works two years from the date of the demolition of the existing listed building also seeks to preserve the character and appearance of the conservation area during the construction stage of the proposed development, in addition to ensure the proposed scheme is implemented.

Structural issues

- 6.34 During the course of the public consultation a number of objections have been raised by neighbouring occupiers and local groups as to the impact the proposed building, and more specifically the subterranean accommodation, may have on the structural stability of neighbouring listed buildings. In particular concerns have been raised with regard to the possible subsidence, more substantial structural

damage, risk of flooding and other damage to neighbouring properties and the wider area in general. In advance of the application being considered at Development Control Committee in October 2009, the applicant requested additional time to undertake further ground investigations. Thus a second phase of investigation was undertaken, including a deeper borehole to the rear of the existing building, in order to assess the existing ground conditions, the potential implications for neighbouring buildings based on the design basis for the proposed scheme. Furthermore, a risk assessment of the implications based on the design to date and current illustrative construction sequences have been provided.

- 6.35 The latest investigations have built on the initial desk-based geotechnical study and more detailed Ground Investigation Report submitted in May 2009. The latest Geotechnical Report, submitted in February 2010, supersedes the May 2009 document. It includes analysis on two phases of investigations that have now been carried out by the applicant. The second phase builds on the phase one findings, seeking to confirm the geotechnical and ground water information already collected.
- 6.36 It is considered important to initially verify that the applicant is considered to have provided sufficient information for the application to be determined in relation to structural matters. In response to concerns raised as a result of the public consultation process, the applicant has submitted a PPG14 (Development on unstable land) assessment for completeness. This is despite the ground investigations that have been carried out indicating that the land is not unstable or potentially unstable. Notwithstanding this the report submitted demonstrates that the works carried out to date indicate that any potential instability can be managed with appropriate measures, which the applicant denotes to be “tried and tested engineering solutions, as commonly utilised in other basement structures in London”.
- 6.37 In addition, commentary is provided in response to paragraphs (36-38) of PPG14 relating to the Council's stance on the findings of the developer's specialist investigation and assessments. In this instance it is considered that with careful management and the use of conditions and obligations, discussed further below, the potential impact can be mitigated. Moreover, in relation to paragraphs 41-42 of PPG14, it is considered that sufficient site investigations have been undertaken by the applicant to date for the Council to take a view that the scheme could proceed. At this stage it is not considered that further site investigations are required for the Council to determine the application. However, conditions and obligations, discussed further below, will be required at the detailed design stage in order to ensure that there is not a fundamental threat to the stability of adjoining buildings.
- 6.38 With regard to the ground conditions, it was seen that beneath the site consisted of 2m – 2.2m of Made Ground, below which was London Clay, the top 6-7m of which weathered. The findings from the second phase of works were consistent with the first phase. Again, no Claygate Member was found in any of the exploratory holes. This is in contrast to consultation responses received during the course of the application. As during the first phase, groundwater was found within the London Clay. However, no groundwater strikes or visible seepage occurred. Moreover, the submitted risk assessment identifies ways in which the possible impacts of

groundwater could be managed at a later date. Advice outlined in paragraphs 4.39-4.41 of this report from the Environment Agency indicates support for the measures to be put in place, as outlined in the applicant's risk assessment. Moreover, the Environment Agency has concluded that they are satisfied with the risk of flooding identified in addition to the measures to manage the risk.

- 6.39 As indicated above, the applicant has submitted a risk assessment, based on the current designs, in relation to matters of geology, groundwater, the construction phase and the long term implications of the proposed development. The inclusion of such information at the planning application stage is welcomed and demonstrates particular measures which the applicant will put in place should the need arise at the detailed design and construction stages. This assessment is considered to be sufficiently detailed at this stage to assist in the application being determined. Part of the risk assessment has been commented upon by the Environment Agency, who after some initial concerns (queried with the applicant and subsequently addressed), are satisfied with the risks identified in relation to flooding / groundwater and the measures to be put in place. The full response is outlined in paragraphs 4.39 - 4.41 outlined above.
- 6.40 However, this risk assessment is based on the current design stage proposals. It is acknowledged within the risk assessment that this should be subject to review at the detailed design stage. Within this context it is considered expedient for the inclusion of a condition, requiring the applicant to submit this detailed design stage risk assessment for further consideration. This precautionary element is to ensure that the development does not constitute a fundamental threat to the stability of the site, neighbouring properties and the wider area. As such, it is considered both necessary and relevant. This will build on the information submitted to date, which it is considered to be sufficient to determine the application.
- 6.41 Turning to the construction of the proposed basement, the applicant has acknowledged, given the sensitivities of the site, that careful control and monitoring will be required at the construction stage. The structural design has been progressed to design stage and is based on a carefully specified, controlled and detailed construction, undertaken by a competent contractor. It is considered that such details will be continued at the Building Control stage, where Building Regulations approval will be required to ensure that the construction is carried out in accordance with the requirements of the Building Regulations.
- 6.42 Notwithstanding this, it is shown that the basement will be designed to comprise a hard-soft or hard-firm secant pile wall, constructed using bored piles with a diameter of 450mm at 0.65m male pile centres. At a later date the necessary wall facings and waterproofing will be added, as agreed with Building Regulations. It is indicated that the retaining wall between the application site and No. 9 will be partly temporally propped during construction and then permanently propped by stiff, continuous floor slabs. As with a basement of this nature, tension piles will also be required beneath the basement and indicative plans have been submitted to illustrate this. It is acknowledged that shallow groundwater may accumulate on the uphill side of the retaining wall; measures at the Building Regulations stage will seek for this to be directed to the proposed sunken garden and then disposed of. Previously during the course of the application it had been proposed to include a

contiguous wall, but this has been discounted at the second phase stage owing to third party concerns of the water bearing sand/silt bands in the London Clay at the site.

- 6.43 To supplement this information, the applicant has also provided an illustrative construction sequence, demonstrating a staged excavation in relation to the side retaining wall (with No. 8) and the rear garden walls. Such a level of detail of information is welcomed and considered to be satisfactory for the purposes of the planning application, although it is naturally subject to future considerations by the Council's Building Control department at a subsequent stage.
- 6.44 Notwithstanding this, it is still considered necessary for comprehensive structural engineers' drawings and a method statement indicating the proposed method of ensuring the safety and stability of the neighbouring buildings, and building fabric to be retained throughout the period of demolition and reconstruction, to be submitted to and approved by the Council. For additional comfort, it is also advised that this is secured via a S106 Legal Agreement. This approach, together with the other conditions recommended, are considered to be sufficient at the planning application stage to assist in ensuring that there is not fundamental damage to the structural stability of nearby buildings and the wider area from the construction of the proposed basement.
- 6.45 With regard to ground movements and the possible impact on neighbouring properties, the Geotechnical Report submitted by the applicant has considered this issue. The predicted damage on both neighbouring properties (No's 8 and 10), No. 7 and others nearby on Downshire Hill and Pilgrim's Lane have been commented on. The damage classification has six scales – 'negligible', 'very slight', 'slight', 'moderate', 'severe' and 'very severe'. The descriptions of 'very slight' and 'slight' damage are as follows:

"Very slight" damage is described as "Fine cracks that can easily be treated during normal decoration. Perhaps isolated slight fracture in buildings. Cracks in external brickwork visible on inspection." The corresponding approximate crack width is less than 1mm"

"Slight" damage is described as: "Cracks easily filled. Redecorating probably required. Several slight fractures shown inside of building. Cracks are visible externally and some re-pointing may be required externally to ensure weather tightness. Doors and windows may stick slightly." The corresponding crack width is less than 5mm".

- 6.46 In relation to No. 8 Downshire Hill, based on the information made available to the applicant about No. 8, the predicted damage is anticipated to fall within the "slight" category. No. 8 has a basement up to the boundary with the application site, with section 9.3.2 of the Geotechnical Report stating with regard to the impact on the main building that a "vertically propagated crack between the side extension and main house may form and is predicted to be of the order of 4mm wide, with possible shear movements across this crack predicted to be of the order of 3-4mm". "Slight" damage is also predicted in respect of the existing extension and the conservatory (approved by applications 2009/4577/P and 2009/4580/L) at No.

8. "Slight" damage is also predicted for No. 10, with the proposed basement wall 1m from the site boundary and 3.5m from the main building, which includes a single basement level. The report by the applicant goes on to suggest that predicted damage at neighbouring properties is likely to result from existing hairline cracking (rather than new cracks), which is not uncommon in buildings of such age.

6.47 With respect to No. 7, it is predicted that "very slight" damage may occur, with the distance between the proposed basement and No. 7 being 8.5m. Other properties along Downshire Hill and those to the rear on Pilgrim's Lane are predicted to have a "negligible" category of impact from the proposed development.

6.48 In light of the above, a balanced view on the impact the proposed development is likely to have on neighbouring properties is required. English Heritage has confirmed that the wider implications of the development are unable to be properly assessed by English Heritage, who instead focus on the impact on the historic environment. The evidence submitted by the applicant is considered to demonstrate that with careful monitoring, management and implementation of measures put forward, the proposals will be able to be built. As with any development it is impossible to predict every effect of any development in ground stability. However in this case the conclusion of the professional evidence submitted by the applicant is that development can be built out without causing a fundamental threat to the stability of the adjoining properties, provided proper management measures are put in place. It is considered that any building on a site with the sensitivities of this one will have some structural implications for adjoining properties. However, it is considered that these implications can be managed. At the same time, the existing building is in a poor state of disrepair and has been on English Heritage's Buildings at Risk register for a number of years. Therefore, it is considered that the redevelopment of the site is essential and the proposed development is considered to have satisfactorily addressed issues raised in order for the application to be determined. The conditions and obligations recommended are considered to be sufficient to safeguard the site, adjacent buildings and the wider area from fundamental damage.

6.49 In this instance it is not considered that an additional report by an independent expert on structural issues / ground stability is required. It is advised that there is considered to be no legal provision, nor anything in guidance, which requires the Council to commission such a report. Although the possibility of doing this is referred to in PPG14 at paragraph 48, so is the possibility of the Council requiring further information / reports from the applicant. It is considered that the additional information provided by the applicant during the course of the application is sufficient in order for the Council to determine this application. Moreover, within paragraph 44 (structural stability) of the Council's information note on "New Basement Development and Extensions to Existing Basement Accommodation" it notes that advice within a report prepared by a structural engineering firm fully accredited by the main professional institutes would be accepted as independent. In this case the work undertaken by Ove Arup and Partners (Ltd) and Concept Engineering Consultants Ltd is considered as such by the Council.

- 6.50 With further regard to the “New Basement Development and Extensions to Existing Basement Accommodation” document, the status of this document has already been outlined in paragraph 5.8 above. For clarity, this document is an information note and does not have the status or weight of formally adopted planning policy. Notwithstanding this, it is considered that the applicant has followed the general approaches outlined in the information note, as discussed in part in the previous paragraph. More specifically in relation to paragraph 21 of this note, it is considered that the applicant has provided sufficient information for the Council to be satisfied that during demolition and construction effective measures will be in place to ensure the development will not constitute a fundamental threat to the stability of the adjoining buildings, subject to the careful management outlined in the conditions and obligations recommended.
- 6.51 In respect of the emerging LDF policies, discussion concerning the weight of such policies has already been outlined in paragraph 5.2 above. Notwithstanding this, it is considered that the applicant has provided sufficient additional information in order for the principles of this policy to have been satisfactorily addressed were it to be fully considered in this context. Similar to the previous paragraph, the proposed measures, conditions and obligations are considered to suffice in the proposals not constituting a fundamental threat to the stability of adjoining buildings.

Quality of residential accommodation

- 6.52 As already outlined, the proposed single dwellinghouse comprises five bedrooms. These are all located on the upper floors of the building and are spacious in size and regular in shape, with all four double bedrooms including access to en-suite bathrooms. Each bedroom includes sufficient ventilation and circulation space, with windows also providing the necessary outlook. The two bedrooms at first floor level also include small external balcony areas, providing access to the outdoors and means of escape if required in an emergency. All rooms comply with the minimum residential floorspace standards outlined within Camden Planning Guidance.
- 6.53 The single dwellinghouse also comprises a range of other facilities within the subterranean levels of accommodation, including a cinema room, gymnasium and swimming pool. A further bedroom is provided at this point, which includes adequate outlook through the proposed lightwell at this point. Areas for storage, refuse, recycling and external amenity spaces at both the front and rear of the building are also provided. As such, the proposed dwellinghouse is considered to provide a high quality of accommodation for future occupiers.
- 6.54 Policy H7 of the UDP encourages new housing to be accessible to all and built to ‘Lifetime Homes’ standards. In this instance however, given the design rationale to maintain many of the existing design features, not all lifetime homes have been able to be adhered with. For example, access to the front of the building will be via six steps, impinging on wheelchair users entering the building at this point. Access will however be possible from the rear and the applicant has provided details of where the proposed scheme will be able to adhere to lifetime homes standards. This is considered to be satisfactory and it is recommended that an informative is

added to any permission encouraging the applicant to adhere to as many lifetime homes standards as possible when implementing the scheme.

Amenity

- 6.55 In terms of overlooking matters, it is considered that the proposed replacement building will not exacerbate existing levels of overlooking that were possible from the existing listed building. It is considered that the proposed replacement dwellinghouse has been carefully designed to minimise opportunities for overlooking. It is acknowledged that there will be three new windows within the north-east side elevation at ground, first and second floor level, towards the front of the building. These will face in the direction of the neighbouring residential property at No. 10 Downshire Hill. However, there are only two single side elevation windows at ground and first floor level (which are small in size, narrow in shape, set towards the rear of the building and are not habitable rooms) on the facing side elevation of this neighbouring property at this point. There is considered to only be limited scope for overlooking between the existing side elevation windows at No. 10, which are also slightly recessed, and the proposed windows at the application site. Furthermore, the building orientation lines are such that the front elevation windows of the neighbouring property will not be in view from the proposed side elevation windows. Given this context, there is not considered to be sufficient increases in overlooking at this point to warrant the refusal of the application on this basis.
- 6.56 The proposed windows on the front and rear elevations of the building are similar in style and size to the existing situation at the site. On the rear elevation they are more numerous and slightly closer to properties located on Pilgrim's Lane, but the distances between properties is still significant (over 25m) and there is also significant tree cover between the properties. Therefore the existing situation is not considered to be exacerbated to a significant degree. The additional windows and doors on the rear elevation at lower ground floor level are positioned so that any overlooking to neighbouring properties at these points would only be possible in acute angles.
- 6.57 There are external terrace areas at lower ground and ground floor level on the rear elevation, together with small balcony areas serving bedroom 2 at first floor level. Given the location of the lower ground floor and ground floor terrace areas, no overlooking issues are raised with these areas. The balcony areas at first floor level are 0.5m in depth, 1.2m in width and situated within the central section of the building. Given the location and size of these balcony areas, no significant overlooking to neighbouring properties is envisaged at this point. However, the remaining area at first floor level will comprise a flat roof area. In order to protect the residential amenity of neighbouring occupiers from overlooking, it is recommended that a condition is added limiting the use of this remaining area as a roof terrace.
- 6.58 There are also balcony areas proposed on the front elevation of the proposed dwellinghouse at ground and first floor level, reinstating features of the original house. The depth of these areas is limited to 0.7m from the front elevation, thereby reducing the usability and subsequent impact of their use as terraces. Moreover

they are within the central element of the building, away from the boundary with neighbouring properties and given this context, are not considered to lead to unacceptable overlooking for neighbouring occupiers.

- 6.59 In terms of outlook, it is acknowledged that there are increases in the size of the building to the rear and on the side wings. However, these increases are not considered to be sufficient to cause significant loss of outlook to neighbouring occupiers that would warrant a sustainable reason for refusal of the proposals. The north-east wing proposals are set back 1m from the boundary with No. 10 Downshire Hill. The main element of this neighbouring property is also set away from the boundary with the host building. As such, a sufficient distance between the buildings is considered to be maintained and this neighbouring occupier is not considered to lose any loss of views or significant outlook as a result of the proposals. Similarly the outlook from windows on the rear and side elevations of No. 8 are not considered to worsen significantly to warrant the refusal of the proposals on this ground.
- 6.60 With relation to sunlight and daylight matters, the applicant has submitted a full Daylight and Sunlight Report to support the application. It was subsequently updated and revised during the course of the application to take into account the revised proposals. The report has assessed seven windows on neighbouring properties where there is considered to be the possibility for loss of daylight and sunlight. Two are located at No. 10 to the rear of the property. The remaining five are at No. 8, with four on the rear elevation and one on the side elevation at second floor level facing the application site towards the front of the building.
- 6.61 In each case the report has calculated the Vertical Sky Component (VSC), together with the Average Daylight Factor (ADF) where necessary, following guidance set out in the Building Research Establishment (BRE) guidance. It is shown that in all cases the VSC or ADF are sufficient to ensure that there will not be an unacceptable loss of daylight to the neighbouring windows. The report does take into account findings put forward by the neighbouring occupier at No. 8, who commissioned a separate daylight and sunlight study to consider the proposals in relation to the second floor window on the side elevation facing the application site. This report concluded that the VSC would be below the required level for this study room. However, it is considered that the ADF will still be at a sufficient level to serve this study and thus it is considered that this reduction in daylight to this neighbouring window is not sufficient to warrant the refusal of the application on this basis.
- 6.62 With regard to sunlight matters, only one neighbouring window at No. 10 faces in a southern direction and it has been demonstrated that there is no significant loss of sunlight to this window. As such, it is considered that although the proposals may decrease the amount of sunlight or daylight to neighbouring occupiers, it is not considered to be at such a level that would merit the refusal of the application on this basis.
- 6.63 In terms of noise issues, the applicant has submitted a full acoustic report in support of the application. It was originally proposed for one external air-conditioning unit to be installed within the rear garden area at ground floor level.

During the course of the application, the location of the proposed plant was amended. It is now proposed for the plant to be located in one of two locations. The first remains to the rear of the proposed building, but will be located at lower ground floor level within the rear terrace area at this point. It is now proposed for there to be either one or two units at this point. An alternative location for two units is within the front lightwell at second basement floor level. As such, the applicant has submitted revised acoustic reports in light of the revised locations. It is not known at this stage the final location for the proposed plant or the number of units to be installed. As such, all possible scenarios have been accounted for.

- 6.64 The submitted reports demonstrate that the proposed plant will accord with the Council's noise standards. With reference to the Mitsubishi PUMY – P140YHMA units within the front lightwell, the lowest existing background noise levels were measured to be 41dB(A) during the day and 39dB(A) at night. The proposed noise levels were measured to be 31 dB(A), thus ensuring the proposed plant would operate sufficiently below the background noise level without causing a sufficient noise nuisance to neighbours to warrant the refusal of the application. With regards to the rear plant, a similar conclusion has been found with the assistance of acoustic enclosures to mitigate the noise impact.
- 6.65 Given the requirement for these enclosures, it is recommended that a condition is added to any permission denoting that prior to the use at the site commencing the acoustic enclosures are installed as shown in the report submitted for consideration. In addition, the Council's standard Environmental Health noise condition relating to noise levels at a point 1m external to sensitive facades is suggested to be included. Such conditions are recommended in order to maintain the residential amenity of adjoining and nearby occupiers in the area. Although a number of objections have been received in this regard, the reports submitted demonstrate accordance with the Council's noise criteria. The recommended conditions will also seek to safeguard future residential amenity.

Trees and Landscaping

- 6.66 In relation to trees and landscaping issues, the proposed scheme has been amended during the course of the application to overcome concerns originally raised by the Council regarding the proposals.
- 6.67 The originally submitted proposals were considered to result in an unacceptable level of loss to the front and rear garden areas. This was therefore considered to be detrimental to the biodiversity of the site and natural drainage. As such, the proposals were revised during the course of the application to take account of comments made by the Council in this respect.
- 6.68 In the front garden area there is a Holly tree protected by a Tree Preservation Order which is proposed to be removed as part of the development. The proposals also include the loss of an Ash, Willow and Sycamore (all of which are not subject to a Tree Preservation Order) within this front garden space. The trees are considered to provide a decent level of tree cover and visual amenity within the streetscape. However it is also considered this character could be restored with an

appropriate planting scheme, which would need to include sufficient soil depths and rooting areas to ensure the long term viability of trees and landscaping.

- 6.69 As such, within the front garden area (close to the front boundary of the site) it is proposed to plant a Sweet Chestnut on the north-eastern side and a Yew on the south-western side. The provision of these trees is considered adequate to mitigate the loss of the protected Holly. Furthermore, a Holly hedge positioned either side of the proposed front entrance gates and a Hornbeam hedge along the north-east side boundary of the front garden space is also proposed to be introduced. These additional features are considered to be characteristic of planting seen elsewhere within this streetscene, thus ensuring continuity in this regard. The proposed planting scheme within the front garden area is considered to enhance the setting of the proposed building, in addition to preserving the character and appearance of the conservation area. It is recommended that permitted development rights with regard to the provision or replacement of the hard surfacing is revoked (under Class F of Schedule 2) in order to ensure the arrangements proposed are not altered in the future under permitted development. This is recommended to be secured via condition.
- 6.70 It is also important to verify that the proposed driveway material is to be porous, thus ensuring that nearby trees, shrubs and hedging will benefit from water seeping into the ground at this point. This construction will also allow for root expansion of the new trees below planters, ensuring their long term viability. The permeable paving and drainage systems for the driveway will also reduce runoff and therefore pressure on sewage systems. The applicant has provided detailed sections of the "Silva Cell" soil filled system beneath ground level, which is considered to be of sufficient depth to allow the long term viability of the proposed planting works and provide sustainable urban drainage.
- 6.71 To the rear of the proposed dwellinghouse, the originally proposed lower ground floor paved courtyard area has been amended to provide a garden area and additional planting. The proposed garden area includes a 1m depth of soil and this is considered to satisfactorily mitigate the loss of the existing garden area at this point.
- 6.72 The lawn area at ground floor level has also been increased in size and further planting has been added during the course of the application. The tree screen along the rear boundary is considered characteristic of the conservation area and is proposed to be retained and enhanced through new planting. The Arboricultural report submitted as part of the application is considered to accurately describe the root protection area of the Sycamore tree and the Ash at this point. In terms of the proposed excavations, these are not considered to be detrimental to the root zones of these trees, in full compliance with BS:5837 (trees in relation to construction). The amount of hard standing within the rear garden area has also been reduced during the course of the application. It has been replaced with additional areas of lawn or planting, aiding drainage and maintaining biodiversity to what is considered to be an acceptable level within this rear garden area.

- 6.73 It has also been proposed for the main section of the roof of the building to include the provision of a brown roof. This is a welcome feature that it is considered will further assist to mitigate any overall loss of garden habitat at ground floor level.
- 6.74 In overall terms it is considered that the proposed tree and landscaping works, following revisions, will maintain sufficient levels of biodiversity and natural drainage at the site. Although there will be some loss to the existing levels of garden space at the site, the proposed retention and planting proposals are considered to mitigate this loss sufficiently. Moreover, it is considered that the proposed tree and landscaping works will assist in preserving the setting of the building within the streetscene and the wider verdant character of the conservation area.

Nature Conservation

- 6.75 As part of the additional information submitted during the course of the application, the applicant has submitted both a daytime and nocturnal bat and bird survey. The initial daytime survey concluded that there was a medium potential for bats to roost at the existing application site, owing to there being many cracks and crevices creating a number of roosting opportunities. There was also considered to be a medium potential for bat occupation at the site.
- 6.76 As such, a further nocturnal survey was undertaken to confirm the presence or absence of bats. This survey concluded that on 7th June 2009 and 14th June 2009 Soprano Pipistrelles, Common Pipistrelles and one Brown Long-eared Bat were detected flying over the existing house/garden, but none were seen swarming around the house or roosting within it. As such, the application site has not been identified as a bat roost, but the garden was seen to form a foraging and commuting route for bats.
- 6.77 These surveys are considered to be adequate and the Council are satisfied with the conclusions of the reports. It is considered that the extensive landscaping proposed will serve the needs of any bats or birds within the area and that no specific conditions are considered to be required in this regard. It is however noted that one of the nocturnal surveys did not comprise a dusk and dawn survey within one 24-hour period. However, with the previous survey of the built structure it is considered that the survey has met the planning requirements in this regard.

Sustainability Measures

- 6.78 Given that the proposed development does not constitute a major development (in terms of providing five or more residential units), there is no statutory requirement for the applicant to submit a BREEAM assessment. However, all proposed developments are expected to incorporate sustainability principles. As such, the applicant has submitted a Preliminary Carbon Emissions Report, which demonstrates that the preliminary CO₂ emission rates are within the target emission rate calculated for the dwellinghouse.
- 6.79 The proposals, as outlined in the trees and landscaping section, incorporate the provision of a brown roof, which is considered to be acceptable in principle.

However, the applicant has not provided to date full details of the intended brown roof and these are thus recommended to be secured via condition. The use of this flat roof area means that there is limited scope for photovoltaic cell panels to be incorporated elsewhere within the design of the proposals.

- 6.80 In addition, during the course of the application a roof and surface water strategy was submitted for consideration. In terms of roof water drainage, the report indicates that the proposed brown roof will absorb much of the rainfall to this area. The rainwater from the remaining roofs, incorporating 50% of the total roof area, will be routed into a rainwater harvesting collection tank to be located on site, which is estimated to be able to store 630 litres of collected water a year. Such rainwater will then in-turn be able to be re-used.
- 6.81 In terms of landscaping drainage, the driveway in the front garden area will comprise "Sureset" porous resin bonded gravel, together with a "Silva Cell" tree rooting cellular support system below. As such, the roots from nearby trees will be able to infiltrate this area to be used as a water source. Where hard surfaced pathways are located within the front garden, these will partially drain into the water permeable driveway area, providing further sources of water for nearby trees. Such measures have been incorporated into the proposals during the course of the application and are welcomed.
- 6.82 The applicant has also incorporated within the design of the proposed building as many of the existing building details as possible. This includes the repair and reuse and many features of the original house, in addition to the facsimile rebuilding of the main section of the front elevation of the building. Some of the details be repaired and re-used include the front gates and railings, original sash windows, french doors, ironwork, fanlight and chimney pots on the front elevation. The use of such materials is therefore considered to aid the overall sustainability of the proposals.
- 6.83 In overall terms it is considered that the proposals have taken into account a number of sustainability measures into the design process.

Transport

- 6.84 In terms of transport, the proposals include provision for an off-street parking space. The Council's parking standards permit one off-street car parking space per residential unit. As such, the provision of this parking space is considered to be acceptable. Furthermore, it is not considered appropriate to make the development car-free or car-capped owing to there being no increase in the number of residential units at the site. In terms of cycling provision, one Sheffield cycle stand is provided within the front garden area, adhering to the standard outlined in Appendix 6 of the UDP.
- 6.85 It is considered that as a result of the works proposed, there may be some damage to the footway during the course of construction. It is considered that in order to tie the development into the surrounding urban environment, a financial contribution is required to be sought to repave the footway adjacent to the site and the vehicular crossover. An additional benefit of such an approach would be that any damage

caused to the highway during construction can be repaired at this time. Given that these works are to be undertaken outside of the application site, they are required to be secured via a Section 106 Legal Agreement. The applicant has shown a willingness to enter into this agreement, which is estimated to cost £6,500.

- 6.86 Furthermore, it is considered that the proposals will involve significant demolition and construction works. A number of objections during the period of re-consultation raised concerns regarding the impact of vehicle movements on the local road network and listed buildings along Downshire Hill. It is accepted that there is likely to be a significant impact on the local transport network. As such, a Construction Management Plan (CMP), outlining how construction work will be carried out (and how this will be serviced), is considered to be necessary in this instance. The terms of the CMP will be adhered to during demolition and construction works in order to minimise traffic disruption and avoid dangerous situations for pedestrians and other road users. Within the Geotechnical Report submitted in February 2010 illustrative plans of the construction sequences for parts of the proposals were included. This does not however substitute for a completed CMP. Further details, in particular more details regarding the logistics involved in the proposed construction will however be required for the full CMP, which will be secured via a Section 106 Legal Agreement. The applicant has indicated a willingness to enter into this agreement. The submission of the CMP prior to the determination of the application has not been sought by Transport Planning in this application.

7. CONCLUSION

- 7.1 In respect to the demolition of the existing listed building at the site, it is considered that although the loss of this historic building is regrettable, the proposals are in accordance with the principles of PPS5. Owing to the condition of the existing building and the unfortunate and exceptional circumstances which have led to its deterioration it is therefore considered that demolition of the building is accepted. This view is shared by English Heritage.
- 7.2 The proposed replacement building is considered to preserve what is significant about the form and historic aspects of the building, in terms of its contribution to the character and appearance of the conservation area. It is considered to be perceived as a re-interpretation of the existing building, rather than a modern intervention. The materials, form, bulk, height, depth and position on the plot are considered to be broadly consistent with the existing context and the rhythm and appearance of the streetscene. The design elements at subterranean level are not considered to harm the character and appearance of the conservation area, nor harm the setting of nearby listed buildings.
- 7.3 It is acknowledged that considerable concerns have been raised as a result of the public consultation regarding the implications the proposed construction will have on nearby properties and the wider area, in terms of structural implications and risk of flooding in particular. In short it is considered that the applicant has submitted sufficiently detailed information at this stage to ensure there will not be a fundamental threat to the structural stability of the site and wider area. This includes extensive information regarding the investigations of the existing ground

conditions and design stage information regarding the proposed subterranean levels. It also draws together a risk assessment in relation to geology, groundwater, construction and long term implications of the proposed basement accommodation. Illustrative construction sequences have also been provided.

- 7.4 The additional information provided is considered to follow principles outlined in emerging LDF policies, such as DP27 (Basements and lightwells) and the Council's information note on basement development. The information submitted by the applicant is considered to be sufficiently detailed at the planning application stage. At present the applicant acknowledges that the potential damage to neighbouring properties, following the approach outlined in the Geotechnical report, to be within the 'slight' category for No. 8 and 10. The conditions and obligations recommended are considered to be sufficient in order to ensure that when the proposed development is constructed it is done without causing a fundamental threat to the stability of adjoining properties or indeed the wider area. In addition, the Council must take a balanced view, also taking into account the status of the existing structure, which has been on English Heritage's Buildings at Risk Register for a number of years.
- 7.5 Furthermore, the S106 obligation to complete works within two years of the demolition of the existing building will also ensure that the permission recommended is implemented, which is considered to also be an important consideration in minimising the gap in the townscape at this prominent site within the conservation area. The proposed landscaping proposals will assist in preserving the streetscene at this point. In short, the proposals are considered to be appropriate in terms of planning considerations, taking into account the recommended conditions and obligations.

8. LEGAL COMMENTS

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

9. RECOMMENDATION

- 9.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Construction Management Plan;
 - A financial contribution required to repave the footway adjacent to the site and the vehicular crossover. The estimated cost of these works has been calculated to be £6500;
 - The developer shall submit such further information as set out in condition 16 of planning application 2008/5894/P and condition 6 of 2009/0056/L or any further information the Council considers necessary to confirm to the Council's satisfaction that the development will not constitute a fundamental threat to the stability of surrounding properties.

- Obligation for the proposed development to be completed within two years of the demolition of the existing building;

9.2 Listed building consent for the demolition of the existing building is recommended subject to referral by English Heritage to Government Office for London, as in accordance with the procedure set out in Circular 01/01 (Arrangements for handling heritage applications - notification and directions by the Secretary of State).

**NOTE TO BAT TEAM WHEN MOVING CONDITIONS ONTO THIS REPORT –
CONDITIONS 17 AND 18 OF THE MVM VERSION NEED TO BE MANUALLY CHANGED
TO PROVIDE ONLY 1 CONDITION (there are too many characters in the condition, so I have
had to split it into two on mvm) Any questions, please ask – Also please delete this from the
committee version. Thanks/**