

Address:	Foley House 11 East Heath Road London NW3 1DA	
Application Number:	2009/2777/P	Officer: Jonathan Markwell
Ward:	Hampstead Town	
Date Received:	10/06/2009	
Proposal: Erection of two storey ancillary building for work/studio space in connection with main dwelling following demolition of existing garage.		
Drawing Numbers: Site Location Plan; 508/50/1; 508/50/2; 508/50/3; 508/50/4B; 508/100/1; 508/100/2; 508/100/3; 508/100/4; 508/100/5; 508/100/6; 508/100/7; 508/100/11A; 508/100/12A; 508/100/13A; 508/100/14A; 508/100/15A; 508/100/16A; 508/100/17A; 508/100/18/A; 508/200/1; 508/200/2; Development Tree Report – mm 482Ra.		
RECOMMENDATION SUMMARY: Grant Planning Permission subject to Section 106 Legal Agreement		
Related Application Date of Application:	10/06/2009	
Application Number:	2009/2780/C	
Proposal: Demolition of existing garage.		
Drawing Numbers: Site Location Plan; 508/50/1; 508/50/2; 508/100/1; 508/100/2; 508/100/3; 508/100/4; 508/100/5; 508/100/6; 508/100/7; 508/200/1.		
RECOMMENDATION SUMMARY: Grant Conservation Area Consent		
Applicant:	Agent:	
Mr Nick Mason Foley House 11 East Heath Road London NW3 1DA	CGMS Consulting Morley House 26 Holborn Viaduct LONDON EC1A 2AT	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House	(garage only)	32.5m ²
Proposed	C3 Dwelling House	(ancillary building only)	83m 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 building in a conservation area [Clause 3 (v)]**

1. SITE

- 1.1 The application site is a large square plot enclosed by roads on three of the four sides adjacent to Hampstead Heath. It is located between the junctions of East Heath Road (to the north-east) with Well Road (to the north-west) and Well Walk (to the south-east). This part of East Heath Road winds up a hill (from south to north) and forms the boundary between Hampstead and the Heath.
- 1.2 The application site comprises the Grade II listed Foley House, which is three storeys and basement in height and dates from c1771. It also includes later additions, is fully detached and is set back from the East Heath Street frontage behind a high brick wall. The building is set within extensive gardens (to the south-west of Foley House) and also includes an associated listed porch (on the East Heath Road frontage), listed stables (to the south of Foley House) and a listed garden wall (to the south-east of Foley House).
- 1.3 The rear garden is designated within the UDP as being a private open space (East Heath Open Space) and also includes a tennis court (adjacent to Well Walk), a small pond, and a detached garage building on the north-west corner of the site. The garden area also includes areas of hard and soft landscaping, with a number of semi-mature and mature trees.
- 1.4 The application site is also within Hampstead Conservation Area, an area of archaeological priority and adjacent to a designated area of public open space (Hampstead Heath).
- 1.5 The surrounding area is predominantly residential, together with Hampstead Heath to the north-east of the site. To the north-west of the site is the Grade II listed No's 17-20 Well Road (The Logs), which is a part-two, part-four storey detached villa that has been sub-divided, set back from Well Road and behind a listed wall. To the south-west of the site is No. 15 Well Road, which dates from the latter part of the 20th century. It is a modern brick and timber two storey building, with low pitched roofs covering a large footprint. Beyond No. 15, Well Road is reasonably built up with tall and closely packed late Victorian town houses along the south-west side. The north-west side of the road is characterised, much like the Foley House section, with large houses set behind high brick boundary walls. This includes No. 21 Well Road, where the brick boundary wall is cut open to reveal a distinctly modern recent concrete and render three-storey building, as granted on 03/02/2004 (Refs: 2003/2115/P & 2003/2116/C).

2. THE PROPOSAL

- 2.1 Conservation area consent is sought for the demolition of the existing small garage building with pitched tile roof on the western corner of the application site, fronting onto Well Road. The garage was built after gaining consent in 1992 (see relevant history section below). The garage is within the grounds of a listed building, but not specifically listed itself.
- 2.2 Planning permission is sought for a two-storey ancillary building to be built on the same footprint as the garage building proposed to be demolished. It will provide a work/studio space for the occupiers of Foley House and therefore be ancillary to the existing residential use of the main dwelling. The proposed ancillary building is proposed to be constructed with a lightweight timber frame, ensuring that the existing footings can be reused. The proposed building is to be clad in timber at ground floor and traditional rolled seam copper at first floor level. Windows will predominantly be located on the east and south elevations (facing towards Foley House), in addition to a first floor balcony area at this point. The existing gates on the Well Road elevation will be re-configured to incorporate a metal single door entrance point.
- 2.3 To clarify, the proposed works are exclusively in the western corner of the site on the Well Road elevation. No works are proposed to the listed Foley House, porch, stables or boundary walls.

3. RELEVANT HISTORY

- 3.1 9200280 - The erection of double garage on Well Road frontage and the erection of a new brick wall on the East Heath Road frontage. Granted Planning Permission 03/09/1992.
- 3.2 9270062 - The erection of double garage on Well Road frontage and the erection of a new brick wall on East Heath Road frontage behind the existing railings. Granted Listed Building Consent 03/09/1992.
- 3.3 2008/4010/P - Erection of two storey ancillary building for work/studio space in connection with main dwelling following demolition of existing garage. Withdrawn 20/11/2008.
- 3.4 2008/4057/C - Demolition of existing garage. Withdrawn 20/11/2008.
- 3.5 For information, the 2008 applications were withdrawn following advice from English Heritage to the applicant concerning the design of the proposed building. The proposals have since been revised and the current applications constitute a resubmission of these applications.

4. CONSULTATIONS

Statutory Consultees

- 4.1 English Heritage has been formally consulted and confirmed that do not wish to comment on the planning permission or conservation area consent applications. It recommended that the applications for planning permission and conservation area consent are determined in accordance with national and local policy, and on the basis of specialist conservation advice from London Borough of Camden.
- 4.2 English Heritage's Greater London Archaeology Advisory Service (GLAAS) has been formally consulted and confirmed that the proposals are not considered to have an affect on any significant archaeological remains.

Conservation Area Advisory Committee

- 5.2 Hampstead CAAC raises no objection to the proposals.

Local Groups

- 4.3 The Heath & Hampstead Society were formally consulted on this planning application but have not responded to date.

Adjoining Occupiers

<i>Number of letters sent</i>	7
<i>Total number of responses received</i>	1
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	1

- 4.4 The occupier at No. 20 Well Road objects to the application. A summary of the issues raised are as follows:
- Loss of privacy in front garden and overlooking to living room within No. 20 Well Road;
 - "Increase in modern buildings changing the character of the street"
 - Noise nuisance and loss of parking outside No. 20 Well Road
 - "Current building has lovely character in keeping with (the) age of Foley House" (It is presumed from this that the proposed building will not be in keeping with the character of Foley House).

5. POLICIES

- 5.1 **Replacement Unitary Development Plan (UDP) 2006**
- | | |
|-----|----------------------|
| SD1 | Quality of life |
| SD2 | Planning obligations |

SD6	Amenity for occupiers and neighbours
B1	General design principles
B6	Listed buildings
B7	Conservation areas
N2	Protecting open space
N8	Ancient woodlands and trees
T2	Capacity of transport provision
T3	Pedestrians and cycling
T4	Public transport and development
T8	Car free housing and car capped housing
T9	Impact of parking
T12	Works affecting highways

5.2 **Other Relevant Planning Policies**

Camden Planning Guidance 2006

5.3 **Supplementary Planning Guidance**

Hampstead Conservation Area Statement

6. **ASSESSMENT**

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

- Principle of development;
- Design / Impact on listed buildings and conservation area;
- Amenity impact on neighbours and occupiers;
- Transport issues;
- Tree considerations.

Principle of development

6.2 The existing garage building was granted permission in 1992. Conservation area consent is required for its demolition owing to the structure having a volume above 115m³. The existing garage is considered to have a neutral contribution to the character and appearance of the Hampstead Conservation Area. Moreover, it is not identified as to making a positive contribution within the Hampstead Conservation Area Statement. As such, the existing structure is not required to follow the PPG15 test for demolition. In short, the existing garage is not considered to be of any specific historical or architectural merit and, subsequently, no issues are raised regarding the demolition of this existing building.

6.3 As noted above in the site description section of this report, the garden associated with Foley House is designated within the UDP as an area of private open space. Policy N2 seeks to protect areas of designated open space, and states that the Council will not grant planning permission for the development of private open space unless it is for development ancillary to a use taking place on the land and for which there is a demonstrable need that cannot be reasonably satisfied elsewhere. In this instance the proposals are considered to involve a small scale

building that is considered to be ancillary in scale to the large Foley House building. Given that the proposals cover the same footprint as the existing garage, no issues are raised regarding the proposals impinging on the openness of the designated private open space.

- 6.4 The applicant has denoted as part of the submission that the proposed building will be used as ancillary accommodation to the existing single dwellinghouse of Foley House. However, in order to ensure that the ancillary building is not used for unauthorised purposes (such as a separate independent dwellinghouse or business) it is recommended that a condition is added to any planning permission denoting this. Within this context it is considered that the principle of development is established.

Design / Impact on listed buildings and conservation area

- 6.5 In terms of design, it is important to first reaffirm the context of the surrounding area. The site for the proposed building is the furthest point in the garden from Foley House (a distance of 35m) and the Heath (a distance of 67m). In-between the proposed site and Foley House there is considered to be clear separation, not only in distance, but visually owing to a number of mature and dense trees. Furthermore, as outlined in the site description section, the nearest neighbouring buildings (No. 15 Well Road and No. 21 Well Road) date from the latter part of the 20th century and the early part of the 21st century.
- 6.6 Within this context, the proposed design is considered to have a playful character much associated with garden buildings. There is considered to be a lightness and expression to the form of the building which draws through from its timber framing. The first floor jetties out on all sides, predominantly to the east and south towards Foley House. This is considered to break down the mass of the building and also creates shadow. It is also considered that by visually floating above and behind the high boundary wall along Well Road, the first floor further expresses the buildings lightness. On the proposed side elevations the sloping roof with clerestory is considered to provide emphasis and helps manipulate the form of the proposed building. The corner projecting window, which is directed towards the Heath, is considered to be responsive to the individual characteristics of the site and allows the building to connect with its surroundings in what is considered to be an acceptable manner in design terms.
- 6.7 In terms of the proposed materials, it is considered that the simple palate of timber and copper are traditional in nature. The roll steamed copper at first floor level will develop a natural patina which will complement what is considered to be lush surroundings. Furthermore, the materials will be applied in small units to reduce mass and provide a subtle manipulation of texture. As such, the proposed materials are considered to be both appropriate and acceptable, preserving the character and appearance of the conservation area at this point. However, it is recommended that a condition is added to any permission denoting that full details and samples of all facing materials are submitted to the Council to safeguard the character of the nearby area.

- 6.8 In respect of the visibility of the proposals within this part of the conservation area, it is important to reaffirm that this part of Well Road has dense and mature planting both along the road (within the public realm) and within the grounds of Foley House surrounding the proposed site. With this in mind and combined with the relatively narrow width of the road, it is considered that clear views of the building from the Heath (north-east) end of Well Road would be partially obscured and the building's form visually fragmented. From the south-west end of Well Road (looking towards the Heath) the building would be seen within the context of, and behind, the closely sited building of a greater scale (No. 15 Well Road). As such, the proposals are not considered to harm the character and appearance of the conservation area, nor the setting of any nearby listed buildings.
- 6.9 From immediately adjacent the proposed site on Well Road, the proposals would only be visible at first floor level owing to the boundary treatment at this point. Furthermore, the first floor would be suspended within the tree canopy behind this boundary treatment wall/gate arrangement, thus reducing its prominence. It is considered that the first floor elevation has been appropriately designed, in a simple and minimal way with only a lightly textured single material finish. Moreover, by not introducing fenestration on this elevation at first floor level it is considered that the proposed ancillary building will harmonize more convincingly into its natural setting; working both with the simple relief of the boundary wall below and the planted landscape.
- 6.10 In summary, the proposal has a modest two storey height. It is not of significant bulk, but even so employs a use of material and form which it is considered will aid the visual reduction of its volume. The proposal is considered to provide a punctuated termination to the run of large closely sited houses along the south side of Well Road. Through its design and materials, which are traditional and sympathetic in colour, scale and texture, it is considered to provide an appropriate transition into the more rural qualities to the north-east of the application site.

Amenity impact on neighbours and occupiers

- 6.11 In terms of amenity it is considered that the proposed design has carefully considered with the visual privacy and overlooking of neighbouring occupiers in mind. No windows are proposed on the north-west elevation (facing Well Road), overcoming overlooking concerns of properties on the north-west side of Well Road. On the west elevation (facing No. 15 and other properties located on the south-west side of Well Road), windows have been minimised to only be situated at a high level at first floor level. Again, this mitigates any overlooking issues at this point. The proposed balcony is limited in size and has been located a sufficient distance away from neighbouring occupiers. As such, the windows and balcony areas are primarily facing towards Foley House itself.
- 6.12 With regard to outlook and sunlight and daylight issues, the proposed building is not considered to impinge sufficiently on any neighbouring occupiers to warrant a sustainable reason for the refusal of the application. A number of the neighbouring occupiers, such as those on the north-west side of Well Road, are located a significant distance away from the application site (minimum 18m) to mitigate these issues. In addition, there is existing tree cover and other vegetation between the

application site and these properties to further reduce these issues. With regards to No. 15 Well Road, the orientation of the proposed building in comparison with this neighbouring building, together with the set back from the boundary (minimum 1m) and distance between the buildings (minimum 2m) results in any loss of outlook and sunlight and daylight to be minimal. Again, existing tree cover and other vegetation further mitigates any such impact.

- 6.13 As noted above, a condition is recommended to be added to any permission denoting that the use of the building will only be used for purposes incidental to the residential use at the site. In addition to preventing unauthorised uses, this is also to protect the residential amenity of nearby occupiers.
- 6.14 In addition, for future users of the proposed building, each of the proposed rooms are considered to be regular in size and shape, with sufficient circulation space, ventilation and outlook. As such, no issues are raised regarding the amenity of future occupiers of this ancillary building are envisaged.

Transport issues

- 6.15 It is noted that there is existing vehicular access to this part of the site by way of a crossover to the existing garage (proposed to be demolished). Given that the proposed building would not require use of this crossover, it is considered that the crossover should be removed in order to tie the development into the surrounding urban environment. The applicant has confirmed that the parking spaces will no longer be required and it was noted during the site visit that there is existing off-street parking for the occupiers of Foley House off East Heath Road. As such, the proposals are not considered to result in any additional stress to on-street parking within the Controlled Parking Zone.
- 6.16 The removal of the crossover will be secured via a S106 Legal Agreement owing to this being outside of the boundary of the application site. The Council has estimated that the cost of the proposed works is £4015.66. The applicant has denoted that they are willing to enter into this agreement.
- 6.17 Regarding other transport matters, given that the proposal does not involve any additional residential units, there is no requirement to make the development car-free. With regard to a construction management plan, it is not considered to be necessary in this instance. The proposed scheme is only anticipated to involve very small scale construction works. The existing crossover also assists in construction vehicles accessing the site.

Tree considerations

- 6.18 The applicant has submitted an arboricultural report to support the application. This report outlines recommendations for tree protection measures that will be put in place during the course of the proposed development. This includes erecting protective fencing and compaction protection around nearby trees when undertaking works (a method statement has also been submitted) and erecting scaffolding within the footprint of the existing garage to overcome any harm to tree root areas and alleviate soil compaction. Works to trees include the sensitive

cutting back of branches of two nearby yews (T1 and T2) and to raise a low pendulous branch of a London Plane (T5) to 6-7m above ground level. The proposed recommendations for works are considered to be sufficient to protect trees close to the application site and are therefore acceptable in this regard.

7. CONCLUSION

- 7.1 The existing garage is considered to be neutral in its contribution to the conservation area. Moreover it is not identified as making a positive contribution and therefore it is recommended that conservation area consent for its demolition can be granted.
- 7.2 The proposed building is to be used for ancillary purposes to the main dwellinghouse, is only two storeys in height and not of significant bulk. Furthermore, the use of the proposed materials and form is such to reduce its visual volume and prominence, thereby providing what is considered to be an appropriate transition from the existing houses of this side of Well Road into the more rural qualities to the north-east of the application site. Moreover, the proposals are considered to have been carefully designed so as to minimize any amenity issues or impact on nearby trees. In overall terms it is therefore recommended that planning permission is granted subject to a S106 Legal Agreement relating to highways works.

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 Head of Term:-
- A financial contribution required to remove the existing vehicular crossover from Well Road.
- 9.2 Conservation area consent for the demolition of the existing garage is recommended to be granted.