

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>03/03/2010</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>05/02/2010</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Jonathan Markwell			a) 2009/5762/P b) 2009/5794/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
11 Hampstead Hill Gardens London NW3 2PH			Please see draft decision notices		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
a) Erection of single storey rear conservatory extension at lower ground floor level to existing dwellinghouse (Class C3). b) Works in association with erection of single storey rear conservatory extension at lower ground floor level to existing dwellinghouse (Class C3).					
<b>Recommendation(s):</b>		a) Refuse Planning Permission b) Refuse Listed Building Consent			
<b>Application Type:</b>		a) Householder Application b) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>06</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
			No. Electronic	<b>01</b>		
Summary of consultation responses:	<p>Separate site notices for the planning application and listed building consent were erected on 15/01/2010, expiring on 05/02/2010. A total of two objections were received from occupiers of <b>The White House, Keats Gove</b> and <b>46 Downshire Hill</b>. A summary of the issues raised are as follows:</p> <ul style="list-style-type: none"> <li>a) Loss of outlook for neighbouring occupiers (from 46 Downshire Hill for example);</li> <li>b) Concern over the movement of earth for the proposed alterations;</li> <li>c) Proposed “glass box” extension will cause light pollution in the area;</li> <li>d) More generally “the erection of a glass box is not acceptable in this location &amp; attached to this listed building – It is not a precedent which should be permitted in this part of the Hampstead Conservation area”.</li> </ul>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Hampstead CAAC has been formally consulted on this application but to date has not provided a response.</p> <p>The Heath and Hampstead Society have not been formally consulted on this specific application, nor have they responded to this specific application. However, it is worth noting that they did respond to recent applications 2009/5845/P &amp; 2009/5847/L at the site. The supporting information submitted as part of these applications inadvertently included reference to the rear extension proposed by this application (although it was not considered as part of the 2009/5845/P &amp; 2009/5847/L applications). At this time Heath and Hampstead Society objected to the rear extension at lower ground floor level now sought in this application, commenting “we cannot believe that an all-glass box, in trendy minimalist style, could be acceptable in this context (of a listed building)”.</p>					
<b>Site Description</b>						
<p>The site is located on the north side of Hampstead Hill Gardens on the top portion of the curved section of the road. At the time of the site visit on 11/01/2010 the building was in use as two maisonettes (undertaken in 1980s). However, planning permission has been granted in 2009 for the change of use of the building back to a single dwellinghouse (see relevant history section below). At the time of the site visit this consent has yet to be implemented, although it is an extant permission which could be implemented up until 20/03/2012.</p> <p>The building is located across four floors, including a lower ground floor and accommodation within the roofspace at second floor level. There is also a large two storey extension granted in the 1980s to the rear of the property on the eastern side (towards the boundary with No. 13 Hampstead Hill Gardens). The building is grade II listed and dates from 1881 by Batterby and Huxley. It is built in red brick with a pitched tiled roof with projecting eaves. The site is also located within Hampstead Conservation Area. The building includes a large rear amenity area, which backs onto the boundary with No. 46 Downshire Hill, The White House, Keats Grove and No. 1 Keats Grove. The surrounding area is predominantly residential in character, largely comprising expansive detached and semi-detached properties.</p>						

## Relevant History

**8501955** - Change of use including works of conversion to form two self-contained maisonettes with the erection of a two-storey addition at the rear to provide a family house. Granted Planning Permission 05/03/1986.

**8570340** - Internal and external alterations with the erection of a two-storey rear addition. Granted Listed Building Consent 05/03/1986.

**2008/4720/P** - Change of use and works of conversion from two maisonettes to a single family dwelling (Class C3) and associated alterations to windows and doors. Granted Planning Permission 20/03/2009.

**2008/4785/L** - Internal and external alterations in connection with the change of use and works of conversion from two maisonettes to a single family dwelling (Class C3), associated alterations to windows and doors and removal of staircase to side of building. Granted Listed Building Consent 20/03/2009.

**2009/5742/P & 2009/5753/L** - Erection of side dormer window following removal of existing roof light. Granted Planning Permission and Listed Building Consent 29/01/2010.

**2009/5845/P & 2009/5847/L** - Excavation of basement and sub-basement to existing dwellinghouse (Class C3). Granted Planning Permission and Listed Building Consent 02/02/2010.

## Relevant policies

### London Borough of Camden Replacement Unitary Development Plan 2006

SD6 – Amenity for occupiers and neighbours

B1 – General design principles

B3 – Alterations and extensions

B6 – Listed buildings

B7 – Conservation areas

N8 – Ancient woodlands and trees

T12 – Works affecting highways

### Camden Planning Guidance 2006

### Hampstead Conservation Area Statement

### Planning Policy Guidance 15: Planning and the Historic Environment (1994)

## Assessment

### Introduction

Planning permission and listed building consent is sought for the erection of a single storey rear conservatory extension at lower ground floor level. More specifically, the proposed extension is a fully-glazed conservatory, set in from the western side elevation (facing towards No. 9 Hampstead Hill Gardens) by 0.6m and the boundary with No. 9 by 2m. In total, the conservatory would be 3.8m in depth and 7m in width, infilling space between the rear elevation of the host building (No. 11 Hampstead Hill Gardens) and the separate Garden House residential unit. The proposed roof associated with the conservatory comprises a lean-to design, rising from 2.5m to 2.9m on the existing rear elevation of the host building. It is proposed to retain the existing rear bay window on the rear elevation as existing.

As means of context, it is noted that this application follows on from permission 2008/4720/P and consent 2008/4785/L at the site (see relevant history section above). A rear conservatory was previously sought when these applications were originally submitted. However, during the course of these applications the conservatory element of the proposals was omitted. The present application therefore solely seeks permission for this element which was omitted from a previous application at the site.

Given that the 2009 permissions (see relevant history section above) have not yet been implemented the applicant has submitted three sets of plans for consideration - as existing, as approved by the 2009 permission and as now proposed. This application relates solely to a lower ground floor rear extension; there are also separate applications recently granted (but not implemented) concerning a side dormer roof extension and basement / sub-basement excavation (see relevant history section above).

## **Design**

In terms of design matters, it is important to first recognise that there is already a large two-storey extension on the rear of this building, which contains a separate residential unit, approved in 1986 (see relevant history section above). The rear elevation bay of the application building is three storeys in height and is considered to be an important feature with a strong vertical emphasis. It is considered that the bay, together with the projecting gable wall, were intended to be the strongest and most dominant feature on the rear elevation of the building. It is considered that the east side of the rear elevation (towards the boundary with No. 13 Hampstead Hill Gardens) was intended to have a plainer and recessive façade. Although it is acknowledged that this relationship has been somewhat eroded by the addition of the large extension dating from 1986 (which forms a separate unit), it is maintained that this original design intention is still evident today.

With this in mind, the proposed conservatory would cut across the existing rear bay and in doing so truncate its appearance. The implication would be the further erosion of the important role the bay is considered to play in the overall composition of the rear elevation of the listed building. Moreover, the form of the proposed conservatory, which is considered to have a strong horizontal emphasis, does not align comfortably with the proportions of the existing rear elevation, which is considered to have a strong vertical emphasis.

By the late 18<sup>th</sup> century this part of Hampstead was developed in a way which was in contrast to earlier swathes of development in the capital. Built as a studio house it was the intention that the house was built detached, in more spacious grounds. In contrast with the earlier Victorian and Georgian terraces, as there was less pressure for development, spacious gardens were provided for enjoyment and relaxation and as a result the rear elevation was given much more attention and a greater formality and decoration. When viewed from the garden, in conjunction with the existing large extension, it is considered that the rear of the building would be seen to be dominated by additions and its original formal façade further harmfully eroded. Given that the existing large extension was approved in 1986, the Council's policies have been updated since this point in time. Moreover, it is not considered that inappropriate extensions can be used to justify the current proposals; the proposed scheme would exacerbate the existing situation at the site.

In addition, although it is acknowledged that the proposed conservatory has been designed in a manner so as to be as lightweight as possible (with minimal joints and framing), an objection in principle to an extension in this location and its impact on the special interest of the listed building is raised. As a result, the proposed conservatory is not considered to respect the application site or setting (in its form in particular); instead it is considered to cause harm to the appearance and specifically the architectural integrity of the building (contrary to policies B1 and B3). It is thus considered to cause harm to the setting of the rear of the grade II listed building and more generally neither preserve nor enhance the character and appearance of this part of the conservation area (contrary to policies B6 and B7).

## **Amenity**

There are no windows on the west elevation (that facing the area where the proposed extension is located) at lower ground floor level. Only a small circular window is positioned on this elevation at upper ground floor level. This is not considered to give rise to any significant overlooking/loss of privacy, outlook or sunlight/daylight issues at this point. With regard to the impact on No. 9 Hampstead Hill Gardens, it is noted that there is an existing 2.5m high boundary wall between No's 9 and 11. As already noted the conservatory is also proposed to be set in 2m from the site boundary

and 0.6m with the side elevation of the application building. These factors are considered to mitigate the impact of the proposed conservatory with regard to overlooking/privacy, sunlight/daylight and outlook matters. It is acknowledged that some overlooking would be possible between first floor windows on the side (west) elevation of No. 9 and the proposed conservatory, especially given the glazed nature of the conservatory. However, there is a distance of 9m between the properties at this point, as well as a difference in height and some existing vegetation. Given this context, the levels of overlooking are not considered to be sufficient to warrant a sustainable reason for refusal. Similarly, there is a distance of c. 55m and significant vegetation between the proposed conservatory at the application site and properties located on Downshire Hill and Keats Grove. In light of this, no overlooking/privacy, outlook or sunlight/daylight issues are raised.

Issues relating to light pollution have also been raised as a result of the local consultation process. Policy SD6 considers artificial light levels and seeks to ensure that neighbours are protected from excessive artificial light. Although it is acknowledged that the lightweight design of the proposed extension would result in potential light pollution, it is also worthy to note that the proposed extension is at lower ground floor level, enclosed on the east side by an existing two-storey Garden House building and on the west and south sides by existing boundary walls, fences and considerable vegetation. This local context is considered to reduce the potential impact of light pollution on nearby occupiers to a sufficient extent. Furthermore, given the grain of development in the local area, neighbouring properties are located significant distances away from one another; again minimising the impact of light pollution on neighbouring occupiers.

### **Trees**

The applicant has submitted an arboricultural report to accompany the application. This report assesses the impact the proposed rear extension will have on nearby trees surrounding the application site, both within the boundary of the application site and in adjoining properties. A single magnolia tree is to be pruned as part of the works to implement the proposed scheme. The report indicates that no trees are anticipated to be removed as part of the proposed scheme. In addition, it is considered that the submitted report has adequately demonstrated that protection can be provided for the trees to be retained, with the protection methods considered to be satisfactory. As such, it is not considered that any further details are required to be submitted with regards to these matters.

### **Recommendation**

Refuse Planning Permission / Refuse Listed Building Consent

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