

Address:	28 Perrin's Walk London NW3 6TH	
Application Number:	2008/3652/P	Officer: John Sheehy
Ward:	Frognal & Fitzjohns	
Date Received:	07/07/2008	
Proposal: Erection of a 3-storey house with basement.		
Drawing Numbers: Site Location Plan; 468 001; 002; 003; 004c; 005c; 006c; 007c; 008; 009c; Tree Report; Sustainability Proposals; email from Sacks Maguire dated 12 th February 2009; Daylight Report by Delva Patman Associates ref. CH/ch/09015.		
RECOMMENDATION SUMMARY: Grant Conditional Permission subject to a S.106 legal agreement		
Applicant:	Agent:	
Mr John Phillips c/o Studio 4 2 Downshire Hill London NW3 1NR	Sacks Maquire Architects 2 Downshire Hill LONDON NW3 1NR	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1	Business	103m ²
Proposed	C3	Dwelling House	233m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	n/a									
Proposed	Dwelling House			1						

	Parking Spaces
Existing	0
Proposed	1

Reason for Referral to Committee: This application is being reported to the Committee as it is recommended for approval subject to the completion of a

Section 106 Legal Agreement covering a matter [securing a Construction Management Plan] that falls outside the scheme of delegation [Clause 3 (vi)].

1. SITE

- 1.1 The site is located on the northern side of Perrin's Walk: a secluded, narrow, predominantly residential mews lane situated to the west of Heath Street. The site is located between the side elevation of no. 27 Perrin's Walk and the rear elevations of the buildings on nos. 1-5 Heath Street. It is a long narrow site and contains a single storey garage workshop building which covers the entire site. The workshop was last used as a car repair garage but it has been vacant since at least 2002.
- 1.2 Perrins Walk is a private mews road with a varied character of 2-3 storey mews-type dwelling houses. The site is located in the Hampstead Conservation Area. The building on the site is not listed, nor is it identified as making a positive contribution to the character and appearance of the Conservation Area. A mature lime tree within the garden of no. 26 Church Row adjoins the rear of the site.

2. THE PROPOSAL

Original

- 2.1 Erection of a 3-storey dwelling house with integral garage.

Revision

- 2.2 The applicant revised the proposal to remove the side and front elements of the top floor roof terrace and to alter the design to incorporate comments from the Council's Conservation and Design officers.
- 2.3 The proposal differs substantially from the proposed three-storey house, permission for which was refused in December 2006 (see relevant history section). This proposal was refused as the design was unacceptable: the building would have related poorly to its context, being set back from the established building line and with a prominent basement floor served by a front lightwell. These features would have been out of character in a mews lane. The front elevation design had a variety of window shapes and sizes and a substantial amount of timber cladding: this was considered not to relate to surrounding buildings. The refused scheme was considered too bulky, with a proposed height of 9.5m above ground compared to 8.4m currently proposed. The building would have been approximately 1.0m wider at second floor level than the current proposal. Further reasons for refusal were as follows: no arboricultural report was provided so the potential impact of the proposal on the mature tree in the garden of 26 Church Row could not be assessed; there was potential for loss of privacy to 29 Perrins Walk through the proposed front balcony; and the substandard nature of the proposed basement accommodation.

3. RELEVANT HISTORY

- 3.1 August 2001 – Conservation Area Consent granted for demolition of the existing building, but planning permission refused for erection of a replacement building on grounds of harm to the Conservation Area, refs. PWX0103327 and CWX0103328.
- 3.2 February 2003 - Planning Permission granted for erection of 3-bedroom 2-storey house, ref. PWX0202973.
- 3.3 December 2006 - Planning Permission refused for erection of 3-storey plus basement house with front lightwell, front balcony and rear courtyard, on grounds of inappropriate bulk, form and design, harm to tree, loss of privacy from balcony, inadequate light to basement; conservation area consent refused on grounds of no approved replacement scheme, refs. 2006/3943/P and 2006/4039/C.
- 3.4 October 2007 Conservation Area Consent granted for demolition of existing building, ref. 2007/2479/C.
- 3.5 February 2008 Planning Permission granted subject to a S.106 Legal Agreement for the erection of a 2-storey plus basement and attic 3-bedroom dwellinghouse, ref. 2007/2477/P. Legal Agreement Heads of Terms: Car Free Housing and Construction Management Plan.

4. CONSULTATIONS

Statutory Consultees

- 4.1 English Heritage has stated that, although the site is in an Archaeological Priority Area, the proposal is unlikely to have any impact on archaeological heritage.

Conservation Area Advisory Committee

- 4.2 Hampstead CAAC - no objection.

Local Groups

- 4.3 Heath and Hampstead Society (x2) – the bulk, scale and detailed design are inappropriate and out of context with the street, the design is “messy, restless and without context”; there is potential for damage to the lime tree in the garden of 26 Church Row which adjoins the site to the rear.

Adjoining Occupiers

	Original	R1
<i>Number of letters sent</i>	20	20
<i>Total number of responses received</i>	2	3
<i>Number of electronic responses</i>	0	2
<i>Number in support</i>	0	0
<i>Number of objections</i>	2	3

4.4 Objections received from the following occupiers: 1 Heath Street; 16 Perrins Walk; and 27 Perrins Walk (x3). The following points were raised:

- the proposal would result in a reduction in access to sunlight and daylight to neighbouring occupiers;
- the contemporary design of the house would be out of context with the street;
- the scale and bulk of the proposed house would not be appropriate in this street;
- there is potential for loss of privacy to 27 Perrins Walk.

5 POLICIES

5.1 Replacement Unitary Development Plan 2006

S1, S2 environmental protection
SD1 quality of life
SD6 neighbour amenity
SD9 resources and energy
SD10 contaminated land
B1, B2 design principles
B7 conservation areas
B8 archaeological heritage
H1 increased housing provision
H7 lifetime homes standards
T3 cycling
T7 residential parking standards
T8 car capped parking
T9 impact on parking
E2 retention of business uses

5.2 Other Relevant Planning Policies

Camden Planning Guidance 2006

Parking Stress – Residents Parking On-Street, Daylight and Sunlight, Residential Development Standards, Sustainable Design and Construction.

Hampstead Conservation Area Statement

6. ASSESSMENT

6.1 The application has been assessed against the policies contained in the adopted Unitary Development Plan (2006), the advice contained in Camden Planning Guidance (2006), and all other material planning considerations. The principle considerations material to the determination of this application are summarised as follows:

- bulk, height and footprint of the proposed building;
- design of the proposed building;
- impact on the character and appearance of the Conservation Area;
- impact on neighbour amenities and parking conditions.

Proposal

- 6.2 It is proposed to erect a 3-storey plus basement dwellinghouse with courtyard behind. The proposal is a contemporary design but maintains a similar footprint to previously approved schemes.
- 6.3 The proposed basement would extend across the whole site, with a rear courtyard, as previously approved, but without the previously proposed front lightwell; the basement would accommodate an office, a gym and storage space towards the front with an ancillary living area facing the rear. The ground floor would have living accommodation and an integral garage and the 2 upper floors would contain 3 en-suite bedrooms.
- 6.4 To the rear of the building, the footprint on ground and 1st floor would extend further back than previous schemes.
- 6.5 The 1st floor would be set back from the side and rear; at 2nd floor level the building would be further set back from the front, side and rear. These set-backs would help to maintain daylight to the rear of the Heath Street properties. At 2nd floor the rear building line would not extend beyond the building line of the neighbouring property at no. 27 Perrin's Walk. The proposal incorporates a terrace at 2nd floor level to the rear with a privacy screen and wall, both 1.70m in height, at either side to the full extent of the terrace.
- 6.6 The proposed house would have a flat-roof which would contain a roof light to the top floor en-suite bathroom.
- 6.7 Land use
- 6.8 The loss of employment use and the provision of new housing have been established by previous permissions, so there are no objections to the loss of a vacant B1 unit or to the introduction of new housing in this location.
- 6.9 A family sized 3-bedroom unit is welcome here and the overall space standards are acceptable. The new house complies, or is capable of complying in future (in terms of potential stair lift or lift hoist and alteration to the ground floor WC to make it wheelchair accessible), with all relevant Lifetime Home standards.
- 6.10 Bulk/height/footprint
- 6.11 The proposed footprint with substantial site coverage and a rear courtyard is consistent with previous permissions and is acceptable. The proposed basement is considered acceptable as it would have no external manifestation at street level which would impact on the streetscene or the character and appearance of the Conservation Area. The rear courtyard at basement level would be enclosed on all sides by existing buildings and the rear elevation would have no impact on the character and appearance of the Conservation Area.
- 6.12 The height and building lines at upper levels are also considered acceptable. The flat roof would be below the level of the neighbouring pitched roofs at no. 27

Perrin's Walk, nos. 1-5 Heath Street and no. 95 Fitzjohn's Avenue and would be set back from the Perrins Walk elevation by 0.65m.

- 6.13 The proposed roof is acceptable as it is recessed on all sides. Given the restricted views of the building in this narrow street, the 2nd floor level will have limited impact on the streetscape and will not appear obtrusive or dominant in this context. The building will read as a 2-storey building with a set back roof storey which will complement the buildings on either side, and which will respond to the informal rhythm of building height along Perrins Walk. The bulk, mass and height are considered to respect the bulk and scale of neighbouring buildings and the wider Hampstead Conservation Area.
- 6.14 None of the reasons for refusal for the three-storey house refused in December 2006 (see relevant history section) are considered to apply to the proposal currently under consideration.
- 6.15 Detailed design
- 6.16 The ground floor would have a blue/ brown brick finish. A stainless steel garage door is proposed. The entrance door and the door to the bin store would also utilise stainless steel.
- 6.17 The 1st floor would have a blue/brown brick finish with industrial-style aluminium framed windows. The blue/brown brick would extend along the flank of the first floor elevation.
- 6.18 The 2nd floor would be expressed separately by means of zinc horizontal cladding which would extend along the flank of the elevation. The windows on the recessed 2nd floor would differ to those on the 1st floor as they would have larger panes. This is considered to be acceptable, as it will result in a lighter appearance to the 2nd floor.
- 6.19 The proportions and sizes of the front façade windows on the 1st and 2nd floors have been amended since the application was first submitted. The front façade has been re-proportioned by raising the position of the 1st floor windows and changing the ground floor material to match the blue/brown brick at 1st floor level. The building has also been made more cohesive and robust through the introduction of exposed steel lintels above the openings on the ground and 1st floors. The reveals to the windows and doors have been increased to 200mm. This will provide depth and interest to the front and rear elevations. The design is contemporary in nature and the use of steel, brick and industrial style windows reference the light industrial history of the site.
- 6.20 The rear elevation is made up of the same materials as are used on the front elevation with off-white render on the basement and ground floors. The rear elevation would be substantially glazed. The design of this elevation is considered to be acceptable.
- 6.21 The form becomes narrower and less bulky on successive upper floors. The use of zinc as a facing material on the 2nd floor is considered to be an appropriate approach which minimises the bulky appearance which a bare flank wall would

present to the street if it was made up of one material only. The applicant removed the heavy overhanging canopy originally proposed at roof level. This gives a lighter appearance to the roof. A condition has been added to the decision notice to control the finish of all proposed facing materials.

6.22 The proposed materials and their relationship with the form are considered to be sensitive and appropriate to the character of the site, its light industrial history and the Conservation Area location. The design approach is considered acceptable and appropriate for this infill site and the proposed building is considered to provide improved views westward along Perrins Walk compared to the bare and unattractive side elevation of no. 27 Perrin's Walk.

6.23 Given the sensitive conservation area location and the importance of maintaining the detailed design in its approved form, in particular with regard to the parts of the building visible from street level, it is considered necessary to control future alterations and extensions to the building by withdrawing permitted development rights relating to extensions and other external alterations. A condition to this effect has been included in the decision notice.

6.24 Quality of Residential Unit

6.25 A number of sustainability measures have been incorporated into the design of the proposed house. These include: thermal insulation of the walls and roof; double glazing of all windows; and low energy lighting. The applicant has set a target of achieving a level 4 rating against the Code for Sustainable Homes. [This is equivalent to an 'Excellent' rating in the Ecohomes Assessment and is in excess of the level 3 rating, equivalent to a 'Very Good' rating in the Ecohomes Assessment, which is considered acceptable in most residential developments]. A condition is attached to the decision notice to ensure that a minimum rating of level 3 in the Code for Sustainable Homes is achieved. The proposal includes provision of a home office facility at basement level. A green roof is proposed to increase biodiversity on site and attenuate the main roof run off.

6.26 The proposed basement accommodation has been designed so that the only habitable accommodation is at the rear; although this continues to receive inadequate daylight due to the obstructing boundary wall at the rear. This may be unacceptable if the basement was to provide main habitable rooms or independent residential accommodation as there would be insufficient daylight/sunlight penetrating to this habitable room. However, it is designated as ancillary living space and the main living rooms and bedrooms on ground and upper floors will be adequately lit and ventilated as required. Overall the proposal is considered to provide a high standard of residential accommodation and to be consistent with the Residential Development Standards contained in Camden Planning Guidance.

6.27 There is generous storage space on both ground and basement levels and a bin store on the Perrins Walk elevation at ground floor level which would accommodate a standard-sized wheelie bin.

6.28 Neighbour amenity

- 6.29 The proposed house is not considered to result in an unreasonable reduction in neighbour amenity. The applicant submitted a study on daylight levels to adjoining windows prepared by Delva Patman Associates, an independent consultancy. The 4 windows chosen for study were:
- rear of 3 Heath Street, to the eastern side of the application site – 1st floor window;
 - 27 Perrins Walk, to the western side of the application site – 2nd floor window;
 - 95 Fitzjohns Avenue, opposite the application site - ground floor window; and
 - 29 Perrins Walk, opposite the application site - ground floor window.
- 6.30 The information provided in the report demonstrates that the reduction in the access to daylight would be 14.32% to the window on the rear of 3 Heath Street; 6.32% to the window on the rear of 27 Perrins Walk; 10.19% to the window on 95 Fitzjohns Avenue opposite; and 12.63% to the window on 29 Perrins Walk opposite. This is not considered to be sufficiently extreme to justify refusal of the application and is consistent with Camden Planning Guidance which states that *“...it is possible to accept a reduction to the existing level of daylight to no less than 0.8 times its former value. Any greater reduction than this is likely to have a noticeable effect on amenity”* (paragraph 14.9).
- 6.31 It should also be noted that these figures relate to an earlier version of the scheme which was 0.35m greater in height than the revised scheme. Thus the impact of the revised proposal would be less than the figures contained in the daylight report, which are in themselves acceptable. Furthermore, it is noted that the windows at the rear of 3 Heath Street do not serve a residential unit, no. 27 Perrin's Walk is in residential use at all levels and the windows directly opposite serve small kitchens and halls to flats. The windows chosen for study are considered to be the worst affected by the proposal: the impact on other windows in surrounding buildings is not considered to be as acute as the windows studied. The planning officer dealing with this application has checked the information provided by the applicant and verified that it is accurate.
- 6.32 The proposal would not cause any loss of light or privacy to no. 27 Perrin's Walk or properties on Heath Street. The boundary wall with no. 27 Perrin's Walk at 2nd floor level to the rear would be built up to a height of 1.70m to the full extent of the roof terrace. The roof terrace would have a privacy screen 1.70m in height to the side facing the rear of the properties on Heath Street to the full extent of the roof terrace. The previously proposed side and front roof terrace has been omitted, so there would be no loss of privacy to properties to either side. There would be a distance of 25m between the rear windows of the proposed house and the windows on the rear of the houses on Church Row. This is considered to be sufficient to prevent loss of privacy to the habitable rooms of the houses on Church Row and replicates the existing relationship between the properties on Perrins Walk and Church Row. Similarly there is considered to be no significant increase in overlooking directly across the mews lane and this replicates the existing situation with windows of habitable rooms facing each other across this lane.

6.33 Landscaping

- 6.34 The applicant has submitted a Tree Report in respect of the Lime tree in the rear garden of no. 26 Church Row to the rear of the application site. The report states that, in the course of assessing the previous application for a basement which matches the basement currently under consideration, the Council's landscape officer inspected the trial pits dug by the applicant at the rear of the application site nearest the roots of the lime tree. The officer checked for root encroachment and the depth of the wall foundations. The officer confirmed that no roots were present and the proposal would not have an adverse impact on the mature tree as a result of the proposed construction of a basement. Camden's landscape officer has confirmed that this is accurate and there would be no impact on the tree as a result of the current proposal.

6.35 Demolition

- 6.36 The applicant benefits from Conservation Area Consent for the demolition of the building on the site. This Consent is valid until October 2010 (see relevant history section).

6.37 Traffic

- 6.38 No objection is raised to the provision of an integral garage with space for one car. As nearby roads suffer from parking stress, due to demand exceeding supply of on-street parking permits, it is considered necessary to remove on-street parking rights to the occupiers to prevent possible overspill of parking onto the surrounding public highway network. Cycle parking for one cycle is provided at ground floor level within the garage.
- 6.39 Perrin's Walk has a very narrow carriageway adjacent to the proposed site and construction vehicles will find it difficult to access the site. The proposal will include the demolition of the existing building and the construction of a basement requiring earth excavations. It is likely that there will be a significant number of construction vehicle movements to and from the site to remove excavated earth and to bring in building materials. These movements are likely to cause disruption to the road network surrounding Perrins Walk, which is exacerbated further by the site being located directly adjacent to Hampstead Town Centre.
- 6.40 A Construction Management Plan will be required by a S.106 legal agreement and approved before works start on site; it will outline how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips etc.), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users.
- 6.41 Other issues
- 6.42 The site lies within an Archaeological Priority Area, and there is the possibility of archaeological remains existing under the site, although these would be somewhat disturbed by the existing garage. Although the proposed new basement excavation has the possibility of disturbing any further subsoil remains, English Heritage have

advised on the basis of information available that they would not recommend that a condition be imposed to protect any such remains if permission was granted.

- 6.43 The site currently has a garage with the possibility of soil contamination. Planning permission should be subject to a condition that an investigation is carried out and, if appropriate, a report prepared recommending any necessary remedial measures.
- 6.44 The main entrance to the building is level with the surface of Perrins Walk. This would allow ease of access for wheelchair users. There are no internal level changes at ground floor level. This will allow wheelchair users access to all of the ground floor rooms.

7. CONCLUSION

- 7.1 The proposed house is considered appropriate in terms of bulk, height, footprint and facade design. It is considered to preserve the character of the mews lane and the character and appearance of the conservation area. The proposed building would not harm the adjacent tree nor would it harm neighbour amenity in terms of outlook, light, privacy or parking conditions.
- 7.2 It is recommended that permission be granted subject to a S.106 Legal Agreement to secure a construction management plan and car-capped housing.

8. LEGAL COMMENTS

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