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Allocated

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**Department of the Environment
Department of Transport**

Common Services

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LONDON BOROUGH OF CAMDEN
TOWN AND COUNTRY PLANNING ACTS

30 JUN 1988

RECOMMENDATION AGREED
ON BEHALF OF THE COUNCIL

REF:

Shield Limited
100A Avenue Road
Swiss Cottage
LONDON
NW3 3HF

Your reference

PC1681

Our reference

T/APP/X5210/A/88/083698/P4

Date - 3 JUN 88 E/88/802869

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 36 AND 56 AND SCHEDULES 9 AND 11
APPLICATIONS NUMBERS: PL/8702910 AND HB/8770384

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. Your appeals are against the failure of the London Borough of Camden Council to give notice of their decisions within the appropriate period on a. an application for planning permission for the erection of a new block of 4 flats and basement parking at 33 Hollycroft Avenue, London NW3, and b. an application for conservation area consent to demolish the existing building. I have considered the written representations made by you, by Councillor Gwyneth Williams and also those made by English Heritage and interested persons. I inspected the site on 18 April 1988.
2. The appeal site was the subject of a local inquiry in January of 1987 at which the importance of the existing building intrinsically and as part of the Reddington/Froggnal Conservation Area was carefully examined. From the material put before me and from my own assessment of the building and its surroundings I can see no reason to disagree with the decision then reached that the loss of 33 Hollycroft Avenue would not be unacceptable so long as an appropriate building replaced it. Accordingly I am of the opinion that the main issues raised by the current appeal are the impact which the building would have upon the character and appearance of the area and upon the amenities enjoyed by occupants of the adjacent dwellings.
3. Your architects have done further work on the designs which they had prepared for this site and you consider that the proposal the subject of this appeal has retained features previously found acceptable but has also successfully resolved those defects which led to your earlier appeals being dismissed. By proposing 4 flats and designing features to ameliorate noise associated with car parking activities it is your belief that the possibility of unneighbourly disturbance has been eliminated. The bulk at the rear of the proposed building has been reduced compared to earlier designs and more complex modelling introduced and in your judgement the consequence of this is that acceptable daylight standards can be preserved at adjacent properties. You support your arguments regarding noise and daylight with detailed evidence from experts in those fields.
4. Objections to redevelopment proposals for this site have included concern over architectural design, number of flats, bulk, and increased traffic. The Councillor for the Ward in which the appeal site is located considers that your design is not



fully refined and would, if built, produce a building that would appear discordant in its setting whether seen from the public street or over the back garden from properties around.

5. It seems clear to me from the material you have provided that measured in terms of density and plot ratio the proposal does not conflict with the Council's established standards for development containing family accommodation. Having regard to the desirability of making optimum use of existing urban land, I can see no compelling reason of principle why 4 flats should be thought unacceptable. In line with the Council's Environmental Code, a non-statutory document, you have proposed one car parking space per dwelling in the lower ground floor of the project. I noted in the area that off-street parking is being introduced in a number of ways, both uncovered and in garages built in front gardens and within the lower floors of buildings, and I formed the opinion that the provision shown in your application would not be out of place in appearance so long as the ramp and front garden of the property are appropriately detailed, something not adequately illustrated on the application drawings. After considering the potential noise assessment you provided and the noise control measures specified, I concluded that any adverse impact which the parking provision might have upon No 35 Hollycroft Avenue would be limited and certainly not so significant as to justify overriding the general presumption which exists in favour of granting planning permission. I also formed the view that having regard to existing vegetation on the site and nearby, these features (which I regard as necessary if your project is to be built) need not be visually objectionable.

6. The other aspect of the proposal which seems to me of particular importance is the effect which the building would have upon daylight and sunlight reaching adjacent buildings. My examination of the representations, your drawings, and of the neighbouring properties left me in no doubt that No 31 Hollycroft Avenue would not suffer any adverse effect sufficient to justify withholding planning permission. The effect upon No 35 of the proposed building is equally important. You have had this assessed using Waldram diagrams which led to the conclusion that available daylight at the most significant windows in that property would be little changed by the proposed development and I can see no reason to doubt this conclusion.

7. There remains the aesthetic appropriateness of your design as an element of a conservation area, necessarily a very subjective matter. I can see that your architects have produced a design for this particular site which in my view clearly responds to its context and seeks to respect the character of the area. Not all its features repeat those already found nearby, but I note that other new buildings in the vicinity similarly complement their neighbours rather than aping them. In particular it is my view that the modelling and setbacks of the garden elevation, though unlike nearby buildings, creates a character which would be visually comfortable in this setting as in my judgement the building as a whole would be.

8. I am concerned that it is not entirely clear from the drawings how the front garden of the property is proposed to be treated and enclosed, nor how the acoustic screen and canopy are to be constructed, matters whose importance I have referred to above. It seems to me necessary that these details should be subject to approval by the local planning authority, and that the noise barriers should not be removed without their consent, and I am accordingly attaching appropriate conditions to the planning permission which I am granting.

9. I have considered all the other matters raised in the representations but find them of insufficient weight to alter my decision.

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10. For the reasons given above and in exercise of the powers transferred to me, I hereby allow these appeals and grant a. conservation area consent for the demolition of 33 Hollycroft Avenue, London, NW3, in accordance with the terms of the application No HB/8770384 dated 5 August 1987 subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter, and b. grant planning permission for the erection of a new block of 4 flats and basement parking on that site in accordance with the terms of the application No PL/8702910 dated 5 August 1987 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun not later than 5 years after the date of this letter.

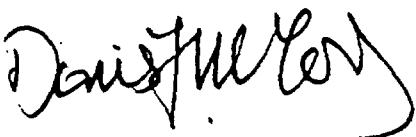
2. Approval in writing of the details of the paving and other landscaping of the front garden of the property, and of the noise control barrier and canopy, shall be obtained from the local planning authority before development commences on site.

3. The development hereby permitted shall not be occupied until the noise control barrier and canopy have been constructed and they shall not be altered or removed without the prior approval in writing of the local planning authority.

11. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation, other than sections 23 and 277A of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



DENIS F McCOY ARIBA FRTPI DiplArch(Oxford)
Inspector