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| Delegated Report | | Analysis sheet | Expiry Date: | 13/09/2007 |
| | | N/A / attached | Consultation Expiry Date: | 4.9.07 |
| Officer | | | Application Number(s) | |
| Charles Thuaire | | | 2007/2949/P, 2007/2950/C | |
| Application Address | | | Drawing Numbers | |
| 23A Hampstead Hill Gardens London NW3 2PJ | | | See decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| 1. Erection of a replacement 2 storey dwellinghouse with 2 basement levels, plus forecourt parking, lightwell and new boundary enclosure at front, plus projecting balconies and lightwell at rear. 2. Demolition of existing building | | | | |
| Recommendation(s): | | Refuse planning permission and CA consent | | |
| Application Type: | | Full Planning Permission | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | |
| Informatives: | | | | |

Consultations

| Adjoining Occupiers: | No. notified | 23 | No. of responses | 08 | No. of objections | 08 |
|--|---|----|------------------|----|-------------------|----|
| | | | No. electronic | 00 | | |
| Summary of consultation responses: | <p>Neighbours at 23 Hamp Hill Gdns and Heath Hurst Rd object- Rear balconies and increased bulk/height result in loss of privacy and light to rear garden of 23, loss of light to and views from their upper side windows, loss of view from rear gardens in Heath Hurst Rd, loss of privacy/light to them.</p> <p>Style, scale and size of dwelling, its footprint and materials out of character with neighbour, area and street, contrary to policy; existing house should be preserved.</p> <p>Basement excavations impact on neighbours and potential for subsidence and flooding.</p> <p>Construction works noise and nuisance.</p> <p>Excessive carbon footprint of house requiring artificial light to basements and air-conditioning, solar panels could be installed, noise nuisance from plant.</p> <p>Loss of or harm to cherry tree at 25 which has high amenity value.</p> <p>Issues on continuing rights of access on access path between 23 and 23a</p> <p>Issues of inadequate/late consultation over summer holiday season.</p> | | | | | |
| CAAC/Local groups* comments: <small>*Please Specify</small> | <p><u>English Heritage</u>- no objection to demolition of existing building, but concerns at impact of replacement building on character of CA, namely in respect of detailed design, materials and alignment with front façade with 23 thus placing it in more prominent position.</p> <p><u>Hampstead CAAC</u> object- as new house differs markedly in character from its neighbours, it needs to be more distinguished to justify this difference; object to this encroachment behind rear building line and 2 rear balconies.</p> <p><u>Heath and Hampstead Society</u> object- design of new house does not respect character of area- materials alien to street, size of windows alien to scale and proportions of neighbours, basement excavation hazardous, adjoining tree would not survive and should be given a TPO; would not preserve the character of the CA.</p> | | | | | |

Site Description

2-3 storey building attached to 23 Hampstead Hill Gardens and designed as a side extension in 1970's (see history below). Its design is very plain with flat roof, redbrick walls and simple square windows. It accommodates a maisonette on ground and 1st floors plus 2 garages on basement level accessed from the rear via a side concrete driveway which slopes downhill to the back of the site. The front garden is paved with a high boundary wall; the rear garden has a concreted forecourt at rear of garages and a paved garden behind this. No.23 attached to its left side is converted into several flats; 25 to the right side has a large side garden with a mature cherry tree. The site lies above a railway tunnel.

The site lies within Hampstead conservation area. No.23 is identified as making a positive contribution to the character of the CA, although the CAS is unclear whether this includes no.23a.

Relevant History

10.4.72- pp granted side extension for 2 flats and basement garaging

1.7.97- pp granted side extension at 1st floor level

7.11.06- pp granted change of use of 2 flats to a maisonette

Relevant policies

S1,2; SD1,6,9,10; H1,7,8; B1,7; N5,8; T3,7

CPG

Hampstead CAS

Assessment

Proposal

The proposal involves demolition of the existing building and replacement by a new 2 storey dwelling house with 2 basement levels. It will have forecourt parking and a front lightwell with access to the basement, while the rear garden will have a triangular lightwell and hard patios at ground level over the basement at rear. The basement level will stretch from under the front garden to under part of the rear garden and accommodate non-habitable accommodation plus a family room; the lower ground level will be just under the main house and front garden; the ground and 1st floors will accommodate 3 bedrooms and will have 2 projecting balconies at the rear elevation.

The new house will essentially match the front and rear building lines but will be wider than the existing house by 2m to encompass the existing driveway. The height of the new house will be raised by 1m above the existing flat roof to match the eaves of the adjoining no.23. The design style is contemporary with a rectangular flat-roofed idiom, large expanses of render and obscure glazing, vertical windows on the front elevation and rusticated stucco on the side to match the façade of 25 adjoining. It is proposed to remove the cherry tree in the side garden of 25, as it will impinge on the new house, and to replace it in another position in this garden.

Demolition

The existing building is very plain and utilitarian and does not make a positive contribution to the conservation area, despite the advice given in the Hampstead CAS which fails to distinguish this building with the attached neighbour of no.23 itself which clearly does make a contribution. No objections are raised to its demolition subject to a satisfactory replacement being granted permission. However the current proposal does not relate adequately to its context, or preserve the existing character or appearance of the CA, as discussed below.

Bulk/form/design

The overall size of the new house with its new floors is considered acceptable: its front and rear building lines match those of the existing building, the front one slightly increased to match the facade of 23 adjoining. The increased width is acceptable in the streetscene, as it builds over a sloping driveway which makes no contribution to the townscape, and the resulting bulk is appropriate. The

principle of increased height of the roof to match the eaves of the adjoining house is acceptable in itself (although see below for the roof form). Basement floors are acceptable in principle as they have limited impact on the conservation area: the front lightwell is hidden behind a high boundary wall (as existing) and adjoining houses are characterised by stepped lightwell features; similarly the rear triangular lightwell is not visible in the public realm and will have no impact on the overall CA character. The site is not in a known area of land instability thus will should have no impact on structural stability of adjoining houses. The footprint and bulk of the new house is thus overall acceptable in itself.

However there are issues with the proposed detailed design and form of the building as follows:

- **Materials-** There is a clear distinction in style between the houses on the west side of the railway line, which are largely red brick detached houses in a Queen Anne derived style, and those on the east side which are stuccoed semi detached Italianate villas. The proposal ignores this in terms of materials, using rendered elevations which relate more to the buildings on the east of the line, than its neighbours on the west.
- **Roofscape** – the prevailing character has a lively and busy roofscape with chimneys, dormers, gables and overhanging eaves. The flat roof and horizontal parapet of the proposal fails to assist the proposal in relating to its context. Whilst previous design advice has stated that the building should not rise higher than eaves level of no. 23, it is considered that, should a building with a visible roof structure be proposed, then scope for this to rise higher would be likely to be acceptable. Due to the smaller scale of the plot, any new building on this size should of course be proportionately lower in height.
- **Elevational detailing** – Windows as punched openings in a solid elevation, added detailing in fenestration pattern, and elevational details such as string courses, and pediments adds a high degree of visual interest. The large expanses of unarticulated glazing in the proposal fails to add interest, or relate to the prevailing level of detail. The large area of obscured glazing on the front elevation is particularly regrettable.
- **Front garden-** although the current garden is hard surfaced, there is opportunity for landscaping it more appropriately. As proposed this opportunity is lost by having half the front area as hardstanding for parking, and the other half as a basement lightwell. Front gardens are an important setting to the buildings in the street, contribute positively to the CA's character, and soft landscaping provision in the front area should be included in this proposal. Although a brick boundary wall and railings to parking area is acceptable subject to detailing, it is considered that there is scope for additional planting in the front garden in a stepped terraced form similar to neighbours to contribute to the streetscape as well as improve biodiversity (see below).

It would be useful to see a section showing the relationship of the basements to the railway tunnel to be assured whether the proposal is actually possible, although no objections are raised in principle to additional basements here.

The proposal thus would not 'enhance the area to an appreciably greater extent than the existing building' as advised in UDP policy B7 para 3.70, and thus both conservation area consent and planning permission should be refused on the basis of the replacement building having inappropriate roof form, elevational design, fenestration and materials which do not relate to the existing streetscene and context of neighbouring buildings, and thus would be detrimental to the setting of neighbouring buildings and the character of the conservation area.

Landscape

An Arboricultural Report has been provided which assesses the value of a Cherry growing in the adjacent property. The report concludes that the tree is of poor form and as a result of structural weaknesses has a limited safe useful life expectancy. It states that whilst the tree has some presence in the street scene views of the tree are limited due to its location and the existing buildings on either side at No.23A and No.25. There is sufficient space closer towards the frontage of No 25 to plant a new tree which would mitigate the loss of the existing Cherry. It is noted that the report omits to provide an assessment of the proposed building on the tree. Officers dispute the conclusions of this

report which recommends removing the tree and replacing it nearer the road, for the following reasons:

The Arboricultural Report places the tree within category C1 of the Tree Quality Assessment of BS5837:2005 "Trees in Relation to Construction" which accords the tree with "low quality and value: currently in adequate condition to remain until new planting could be established". It is also stated that category C trees will not usually be retained where they would impose a significant constraint on development. The basis for this designation is based on the assessment of the form and structural integrity. The poor form of the tree is not elaborated on within the report. The report questions the structural integrity of the tree on the grounds that it has evidence of decay at the base has tight forks and included bark. The report also notes gum ooze and decay at 1.5m.

An inspection of the tree has revealed that the "decay" at the base is the result of stems removed from what appears to have been a previously multi-stemmed tree. The cut stems have not decayed as such; however the wood of these stems has been de graded by wood boring insects. This does not necessarily indicate decay of the root system or structural weakness, the remaining stem base and buttress root appears to be sound. There is also evidence of a dead proportion of branch at c.1.5m in height which has de graded as the result of the activity of wood boring insects. Any decay within the stem has probably been limited by the natural decay compartmentalisation process of the tree. There are indications of tight forks and included bark at the twin stem break of the tree. Whilst these are potentially weak points within the tree's structure, Cherry trees are not noted for frequent failure at these points. Therefore the risk of failure is considered to be low. The gum ooze is restricted there are no other indications of a decline in health and vitality of the tree.

The tree has been previously pruned, most of the crown development of the tree is towards No23 has been removed. There is some re-growth (up to 2m in length) from previous pruning which overhangs No.23A. Whilst the form of the tree has been constrained by the proximity of No 23A, the tree is not read as an open grown tree in the streetscape but as a tree between two buildings which also has its own presence in the street scene when approaching from different directions along Hampstead Hill Gardens. The existence of the tree serves to soften the visual impression of the two buildings and to contribute to the arboreal character of the local and wider character of the Conservation Area. The Cherry will also provided accentuated seasonal interest when in flower during the spring and its changing leave colour during the autumn.

For the above reasons, it is considered that the tree has considerable value in both arboricultural and amenity terms and should be retained. Tree officers have thus advised that a Tree Preservation Order be placed on the tree and they have initiated the process to secure such a TPO.

There is also concern that the proposed building brought closer to the tree will harm its longterm survival either by immediate or future crown pruning which will imbalance its appearance or by possible root damage (in the absence of further evidence to demonstrate otherwise).

The proposed building will bring the flank wall to the boundary line (it is currently c.2m from the boundary wall). This will require pruning the overhang up to the boundary line leaving the tree within centimetres from the building. The proposed building has two large obscured windows on this side which would be blocked by the tree if it were to remain; the location of the new building would be likely to result in ongoing pressure to remove the tree on the grounds of loss of sunlight. The closeness of the tree would also increase the likelihood of leaves collecting on the roof with consequent complaints of blocked gutters. It is also likely that the excavation of the underground basement along the boundary line would be damaging to the root system of the tree. However the degree to which roots from the tree have grown beyond the boundary line would depend on the depth of the foundations to the boundary wall. Deeper foundations could act as a barrier to root growth into the site at 23A, therefore the impact of the basement excavations could not be fully assessed until details of the foundations to the wall have been provided and/ results of trial holes to demonstrate the extent of root growth beyond the boundary.

Finally as already explained above, the opportunity has been not been taken to improve the biodiversity value and landscaped appearance of the site which currently has hard surfaces at front and rear, although it is acknowledged that the proposed landscaped rear garden area equates to the existing planted garden area. Nevertheless the opportunity is there to improve the wildlife and amenity value of the site in relation to the streetscape as encouraged by policies B1 and N5, as follows:

- The dominant characteristic of front gardens in this area is that they include an element of soft landscaping. The current proposals do not include this element. There is an opportunity to improve the character of the frontage to the site. Any proposals should include an element of soft landscaping such as a small tree and/or a hedge as part of the front boundary.
- The rear garden to the property is currently predominantly hard surfaced with a limited area of planting. There are tree file references to the garden supporting some tree canopy in the past. The hard surface is in poor condition and there are existing pockets of open ground which would allow at least some natural infiltration of the soil by storm water run off. The basement construction will reduce the natural infiltration of rainwater into the soil unless specific measures are taken to reduce the rate of runoff from new hard surfaces.
- The current proposals include large areas of flat roofs which would be suitable for green roofs. Green roofs would increase the biodiversity value of the site and would contribute to the sustainable urban drainage to the site.

It is thus concluded that the scheme will harm the streetscene and conservation area by virtue of loss of or damage to the neighbouring tree and the insufficient level of soft landscaping. It is recommended that in any future scheme should:

- retain the tree;
- not extend closer than the existing building line in relation to the Cherry tree either above or below ground (unless, with regard to the later, site tests demonstrate no damaging effect would result to the below ground parts of the tree).
- be conditional on the submission and approval of hard and soft landscape details which include details of new tree planting, green roofs, and sustainable urban drainage measures.

Neighbour amenity

The new building is not projecting beyond the existing front and rear building lines thus will have no impact on neighbour amenity; the raising of the roofline by 1m at the rear will not cause any significant loss of daylight or outlook to neighbouring habitable rooms at rear of no.23. The increased height of the side wall facing the flank wall of 23 will have minimal impact as the windows here are obscured glazed and serve non-habitable rooms. The raised roofline will also be no higher than the eaves of no.23 thus will have no impact on the side dormer windows. Projecting balconies at rear ground and 1st floors are angled in such a way to prevent direct views into no.23's windows, and views into the rear garden will be no worse than existing views from the rear windows. The use of obscured glazing on the proposed side windows facing no.25 will prevent any overlooking of flank wall windows of this property 12m away. There will be no loss of privacy or light to rear gardens of Heath Hurst Road which are well-screened by trees nor to their rear windows which are over 30m away. Plant in the basement is acceptable in principle and should be capable of meeting Council noise standards.

Residential standards

The house is generously sized and complies with space standards. It meets or is capable of meeting all relevant lifetime home standards. All rooms are adequately lit and ventilated.

Traffic

The proposed single carspace hardstanding meets UDP standards and is acceptable. A refuse and cycle store is provided in the front garden which is adequately sized.

Recommendations- pp and cac be refused on grounds of design, impact on tree and inadequate landscaping.