Address: 56 Hemstal Road
London
NW6 2AH

Application
Number: 2006/3659/P Officer: Bethany Arbery

Ward: West Hampstead

Date Received: 09/08/2006

Proposal:

Erection of a three-storey building to provide three flats (3 x 3 bedrooms) fronting onto Hemstal Road, two x three-storey 4-bedroom single-family dwellinghouses set behind front garden fronting onto Hemstel Road (one to rear of plot) and one x two-storey 4-bedroom single-family dwellinghouse set behind front garden fronting onto Linstead Street, following demolition of four existing detached residential buildings. [All new accommodation is affordable housing].

Drawing Numbers:

PH.01; SP.01 Rev A; SP.02 Rev A; EX.01; EX.02; EX.03; PL.01 Rev B; PL.02 Rev E; PL.03 Rev C; PL.04 Rev C; PL.05 Rev B; PL.06 Rev D; PL. 07 Rev D; PL.08 Rev C; PL.09 Rev B; PL.10 Rev B; PL.11 Rev B; PL.12 Rev C; PL.13 Rev B; PL.14 Rev B; PL.15 Rev B; PL.16 Rev B; PH.02; SK.05; SK.06; Landscape Statement and Colours/Finishes Statement; Lifetime Homes Statement by Barbara Weiss Architects; Daylight Study by Delva Patman Associates dated December 200 (Ref: SG/sg/06258); and Design Statement dated 09.08.06.

RECOMMENDATION SUMMARY: Granted Subject to a Section 106 Legal Agreement

Applicant:

Mr Alex Glenister
Origin Housing Group Ltd
St Richard House
110 Eversholt Street

London NW1BS

Agent:

Barbara Weiss Architects Ltd 16A Crane Grove London N7 8LE

ANALYSIS INFORMATION

Land Use Details:					
	Use Class	Use Description	Floorspace		
Existing	C3 Dwelling	House (2 x 2-bedroom, 2 x 4-bedroom)	TBCm ²		
Proposed	C3 Dwelling	House (3 x 3-bedroom, 3 x 4-bedroom)	TBCm ²		

Residential Use Details:										
		No. of Habitable Rooms per Unit								
	Residential Type	1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette				2		2			
Proposed	Flat/Maisonette					3	1	2		

Parking Details:					
	Parking Spaces (General)	Parking Spaces (Disabled)			
Existing	2	0			
Proposed	0	0			

OFFICERS' REPORT

Reason for Referral to Committee: The application constitutes a Minor Development proposing the creation of 5 or more residential units [Clause 3(iii)], and involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3(vi)].

1. SITE AND SURROUNDINGS

- 1.1 The application site is located at the junction of Hemstal Road, Palmerston Road and Linstead Street. The site is Council owned and is currently occupied by four x two-storey temporary residential dwellings, which were granted planning permission in 1991. The site is due to be sold by the Council to Origin Housing Group, who wish to construct permanent affordable housing on the site.
- 1.2 The existing residential dwellings are four detached prefabricated two-storey plus pitched roof houses which are set back from the street. The housing department have advised that these have reached the end of their life and are no longer economical to maintain. The surrounding area contains a mix of building styles. To the east are traditional late Victorian three-storey terraced houses. To the west is a new two-storey nursery school. This building is of contemporary design with dramatic red and green render, large metal windows and timber louvres. North of the site on Linstead Street are two and three storey terraced houses of limited architectural merit, which date from the late twentieth century. South of the site is Kilburn Grange Park, an area of public open space.
- 1.3 The application site, Linstead Street and the north side of the park once contained late Victorian houses similar to those houses which remain to the east. They were demolished in the late twentieth century. The site is not located within a conservation area.

2. THE PROPOSAL

Original

- 2.1 Planning permission is sought to undertake the following works:
 - erection of a three-storey building to provide three flats (3 x 3 bedrooms) fronting onto Hemstal Road:
 - erection of two x three-storey 4-bedroom single-family dwellinghouses (Houses 1-2) set behind a front garden fronting onto Hemstal Road (one is located to the rear of the plot); and
 - erection of one x two-storey 4-bedroom single-family dwellinghouse (House 3) with integral garage fronting onto Linstead Street.

All following demolition of the 4 existing temporary buildings on site.

Revisions

2.2 Minor revisions were made to the proposal in response to comments from transportation and design officers. The integral garage (House 3) which fronted onto Linstead Street was omitted at the request of the transport team, who requested that the development be carfree. The resulting design changes to the two-storey building (House 3) allowed its relationship to 16 Linstead Street to be significantly improved. The elevational treatment has also been amended in response to comments from the design team, who considered that the original design lacked coherence. Additionally minor revisions were made to address discrepancies in the drawings in terms of the location of a window and also annotations.

3. RELEVANT HISTORY

3.1 **9005547**

Planning permission was granted on 22/01/91 for the erection of four temporary buildings comprising 2 x 4-bedroom and 2 x 2-bedroom houses together with 2 car parking spaces and landscaping to remain until 1st December 2000.

3.2 **2006/0406/P**

An application was submitted on 1^{st} March 2006 for the erection of a three storey building to provide three houses (2 x 4-bedroom and 1 x 6-bedroom (including wheelchair unit) and three self-contained flats (2 x 3-bedroom and 1 x 4-bedroom) and 1 off street (disabled) parking space. The application was withdrawn on 27/04/06.

4. CONSULTATIONS

4.1 Adjoining Occupiers

	Original	R1
Number of Letters Sent	90	90
Number of responses Received	07	01
Number in Support	00	00
Number of Objections	07	01

The occupiers of flats within 37, 45, 47 and 51 Lowfield Road have raised objection to the proposal on the following grounds:

Amenity Issues

- Increase in overlooking and loss of privacy;
- Loss of light;
- Loss of view towards Kilburn Grange Park;

- Loss of outlook;
- Increased noise disturbance;

Design Issues

- The buildings are too compact and the style does not fit in with the area;
- The design is totally out of keeping in the area;
- Overdevelopment an estate in a small space;
- The materials particularly the timber cladding and zinc roofs are unsympathetic and out of keeping;
- The colour scheme is horrific and will not blend in with the area

Highways Issues

- Additional traffic leading to increased risk of accidents;
- Increase pressure on on-street parking;

Other Issues

- Single families bring noise and trouble to an area;
- We assume you will not be housing problem families in the units;
- The existing housing has never been fully occupied consistently and would make excellent temporary housing which the Borough needs;
- Cramming too much on one site will make it claustrophobic for the residents;
- Leave these weird, but unique houses alone;
- The new housing will affect the value and saleability of properties on Lowfield Road;
- Loss of security; and
- Planting should be used to minimise noise travelling, but should not be so high it removes light from neighbouring properties.

5. POLICIES

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

5.1 Camden Replacement Unitary Development Plan 2006

- S1/S2 Sustainable development
- SD1 Quality of life
- SD2 Planning obligations
- SD4 Density of development
- SD6 Amenity for occupiers and neighbours
- SD9 Resources and energy
- H1 New housing
- H2 Affordable housing
- H7 Lifetime homes and wheelchair housing
- H8 Mix of units
- B1 General design principles
- B9B Local views
- N5 Biodiversity
- N8 Ancient woodlands and trees
- T3 Pedestrians and cycling
- T4 Public transport
- T8 Car free housing and car capped housing

T9 Impact of parking

T16 Movement of goods and servicing

5.2 Supplementary Planning Guidance (2006)

6. ASSESSMENT

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

6.2 Land Use and Density

The proposal will result in a net increase of two residential units on site. Policy H1 states that planning permission will be granted for development that increases the amount of land and floorspace in residential use. The policy continues by stating the need to seek to secure the fullest possible residential use of vacant and underused sites. Policy SD4 of the adopted UDP states that regard should be had for the London Plan's policies regarding density. The site is located within 10 minutes walking distance of a town centre and the site setting is generally suburban in nature, being predominantly residential with buildings of two to three storeys in height. In such locations, developments should comprise 50-110 units per hectare and 200-300 habitable rooms per hectare. The application site is 606 sqm (0.0606ha); there are 6 units proposed and a total of 35 habitable rooms. The proposed development falls at the higher end of the density range suggested by the London Plan in terms of the number of units and marginally above the suggested number of habitable rooms. The proposed development falls within the density range considered to be appropriate by the London Plan in terms of the number of units provided. The number of habitable rooms provided is greater than suggested, but it is not considered excessive. It is considered that the proposed development makes the fullest possible use of this site for the provision of residential accommodation.

6.3 Affordable Housing

The proposed development comprises 100% affordable housing, which is to be secured via legal agreement (policy SD2), this meets the requirements in Policy H2 of the adopted UDP.

6.4 Mix of Units

The proposed residential development is to provide 3 x 3-bedroom and 3 x 4-bedroom units. The proposal does not include any smaller sized accommodation. Policy H8 generally seeks to ensure that a mix of unit sizes is provided and, in this instance, the proposal does not fully comply with policy. However, the proposed development has been designed to meet the need identified by the Council's housing department for affordable housing and in response to advice from them. The housing department have advised that they are keen to maximise the amount of family sized accommodation and that they support the mix of affordable accommodation proposed on the site. Given this and that the fact that the site is located in a predominantly residential area with access to private amenity space and the nearby park; it is considered that the provision of solely family-sized accommodation is acceptable in this instance.

6.5 **Design**

The proposed development varies between two and three-storeys. The height, bulk and mass of the proposed development is considered to be acceptable in the context of the surrounding buildings, which are of a similar scale.

In the original scheme, design objections were raised in respect of the awkward relationship between proposed House 3 on Linstead Street and the existing adjacent

building at 16 Linstead Street. This issue has now been addressed. The building line of House 3 has been set back so that it aligns with that of 16 Linstead Street.

The three-storey buildings are to be constructed of London stock brick with a central rendered band. The roofs are to be pitched and constructed of zinc. This reflects the pitched roofs and gables of the properties to the east of the site. The windows are to be steel framed. Above ground floor level the windows generally take the form of traditional style sash windows although the use of steel provides a contemporary twist and an elegant finish. The upper level windows are also framed by timber panelling. The use of render and timber picks up on the materials used on the nursery to the west of the site, with the traditional window openings reflecting the style and proportions of the neighbouring Victorian windows. The ground floor level fenestration on the street elevations is disappointing. The window openings are unnecessarily small, lack street presence and have little relationship to those at higher level. The ground floor level fenestration on the remaining elevations is considered to be acceptable. It is recommended that a condition be attached to this permission (if granted) requiring the submission of revised drawings of the fenestration on the Linstead and Hemstal Street elevations (House 2 and Flats 1-3).

The two-storey property (House 3) takes a similar form with London stock brick at ground floor level and render at first floor. It has a shallow pitched roof which is enclosed by a raised parapet wall. Again, the street elevation of this building is disappointing. Similarly, it is recommended that a condition be attached to this permission (if granted) requiring the submission of revised drawings of the fenestration on the Linstead Street elevation (House 3).

The proposed colour of the brick and render has not yet been finalised. It is recommended that conditions be attached to the permission (if granted) requiring the submission of details/samples of all materials and finishes. Officers note that residents are concerned that the render may be a garish colour, the colour shown on the drawings submitted is indicative. That said there are other properties in the area (the nursery to the west) which are brightly coloured and indeed the existing buildings on the site are multicoloured.

6.6 Daylight, Sunlight and Sense of Enclosure

Policy SD6 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight and outlook.

In the close urban environment where a proposal brings a wall or building close to an affected party, there may be two related, but different potential impacts; firstly there may be a loss of view of the sky, with the resultant reduction of daylight and in some cases sunlight; but secondly, the very presence of the solid structure in close proximity creates an uncomfortable enclosed feeling. Both issues require consideration in respect of this application.

The SPG states that the guidelines and methods contained in the BRE document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' should be applied in assessing the impact of new development. It refers to use of the two most commonly used measurement of the Vertical Sky Component (VSC) and Average Daylight Factor (ADF).

The applicant has submitted a daylight study prepared by Delva Patman in support of their application. The report assesses the impact of the proposed development on nos. 45-51 Lowfield Road. Those properties to the north would be unaffected by the development. To the south of the site is the park and to the west is open space adjoining a nursery. Both

are a road width from the development and therefore any impact in terms of overshadowing of this space is likely to be limited.

The daylight study details the existing and proposed VSC to windows at basement and ground floor level on the rear elevation of nos. 45-51 Lowfield Road. This is a test of the amount of skylight falling onto the windows 'as existing' and 'as proposed' with the development in place. The BRE suggest that a VSC of 27% would be broadly equivalent to a good level of daylight. If the VSC, with the new development in place, were to fall below 27% and was less than 0.8 times its former value, then the occupants of the existing building would experience a noticeable reduction in the amount of daylight. The BRE state that these are guidelines, not mandatory, and should be applied flexibly.

The report indicates that, whilst some of the basement and ground floor level windows already receive less daylight than the BRE recommendation, most receive a good level of daylight. Following the development, all windows with the exception of a basement window at no. 51 Lowfield Road will continue to receive a VSC of more than 27% or are not less than 0.8 times their former value. The affected basement level window serves a bedroom. The existing VSC to this window is 18.75%; following the development it would be reduced to 14.77%, 0.79 times its former value. Given that the loss of VSC is only marginally beyond BRE guidelines, it is considered that it would be difficult to justify refusal of this scheme on loss of daylight. Officer's note that the occupiers of 51 Lowfield Road have raised concern about the potential loss of daylight and the desire for the proposed building to terminate at two-storey's, given that the daylight report submitted indicates that the impact of the development would be minimal it is not considered necessary for the development to be reduced in height.

The BRE recommends that all main living rooms of dwellings and conservatories shall be checked for loss of sunlight if they have windows within 90 degrees of due south. In this instance the only properties potentially affected by the development (Lowfield Road) have windows on their rear elevation, but they are not within 90 degrees of due south. There are windows on the flank elevations of the projecting wings which do face within 90 degrees of due south, but their sunlight is already obstructed by the projecting wings of neighbouring properties and the existing buildings. It is considered that the development is unlikely to have a significant impact on sunlight to neighbouring properties.

In terms of enclosure and outlook it should be noted that whilst the proposed new development is higher than the existing buildings it is set further away from the boundary with those properties on Lowfield Road. The buildings are to be separated from the boundary by private gardens. It is considered that the properties on Lowfield Road will continue to enjoy a relatively open aspect to the rear of their properties.

6.7 Overlooking

The BRE guidelines recommend distances of 18-35m between residential windows which directly face each other, to ensure privacy is maintained. Such distances are generally unachievable in a central urban location such as this. However, Policy SD6 of the UDP does seek to ensure that privacy is maintained and overlooking is not of an unacceptable level. The only properties potentially affected by overlooking are those on Lowfield Road (nos. 43-51). House 1, 3 and Flats 1-3 have windows in their east elevations which face towards the rear of Lowfield Road.

There is 10.5m between the rear of House 1 and the rear elevation of nos. 43/45 Lowfield Road and just over 14m from the rear of House 3 to the rear elevation of properties on Lowfield Road. There is 7m from the corner of Flats 1-3 to the rear elevation of nos. 47 and 49 Lowfield Road, but the windows do not face each other. Those windows on the rear

elevation of the block of flats face north-east and the windows on the flank elevation face west.

Taking into account the level of overlooking between the existing dwellings and Lowfield Road (there are windows between 4.5 and 6m from the rear elevation), the distance that remains and the orientation of the windows, it is considered that there will be no significant increase in overlooking to these properties.

6.8 Car and cycle parking

The UDP encourages development to meet travel demands by means other than the private car, taking into consideration issues of air quality, traffic congestion and public transport accessibility. The use of non-motorised transport and public transport offers the best prospect for reducing the impact of vehicles on the environment

The application site is located within walking distance of West End Lane and therefore access to West Hampstead Station, West Hampstead Thameslink and West Hampstead underground. It is also situated within walking distance to Kilburn Station and bus routes along Kilburn High Road. As such, car free housing is suited to this site. This part of the borough has adequate opportunities for travel by public transport and for accessing a range of goods, services and employment close to home.

The scheme is to be designated as car-capped by way of a Section 106 Agreement, such that two of the six residential units are designated car free and four of the units will still be eligible for on-street parking permits in keeping with the sites current entitlement. Disabled residents will still be eligible for on-street parking permits.

The Council requires the provision of secure cycle parking. The adopted UDP requires the provision of 1 cycle storage space per residential dwelling. A condition should be placed on the permission (if granted) ensuring the provision of a minimum of 6 cycle storage spaces for residents. The applicant will need to show how cycle parking can be provided for each residential unit either individually or communally in order to show compliance with Policy T3.

6.9 Landscaping and trees

The site is not located within a conservation area and there are no TPO's on site. There are a number of existing trees within the site including a sycamore which is located on the corner of Hemstal Road and Linstead Street. The proposed development will require this tree to be removed. The tree is considered to provide a reasonable level of visual amenity and it is crucial that the tree be replaced (Policy N8). The plans suggest a Field Maple is planted to replaced the sycamore, it is recommended that the Field Maple that is planted is as large as possible to mitigate against the loss of the sycamor; it is suggested that the variety Acer Campestre 'Elsrijk' is planted at 20-25cm girth.

The proposed residential units are to be set within landscaped gardens which include four private gardens and a larger communal garden. The plans do not provide full details of the landscaping. There is a good opportunity to incorporate native planting into the scheme to improve and enhance the ecology of the site (Policy N5). It is recommended that a condition be attached requiring the submission of details of hard and soft landscaping including the size and location of the species to be planted.

6.10 Disabled Access and Lifetime Homes

The proposal is for the erection of new residential dwellings, therefore it is subject to Approved Document M of the Building Regulations and Policy H7 of the adopted Unitary Development which encourages all new housing developments to be accessible to all. All new housing is to be built to lifetime homes standards and 10% of all new housing should

be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The applicant has submitted a statement which demonstrates how they will comply with all 16 lifetime homes standards. The entrances to all properties are level. House 3 is fully wheelchair accessible. The layout (inc. doors, corridors, WCs) of the properties have been designed to ensure that they are accessible to all.

6.11 **Sustainability**

With all new major developments applicants are required to demonstrate the energy demand of their proposals and how 10% of the sites electricity and heating needs will be provided by renewables. Unfortunately, this scheme does not fall within the category specified in the UDP and the Council can only encourage energy efficiency and use of renewable energy. The applicant has submitted a statement with regard to the issue of sustainability. They have advised that the service systems within the development will be designed to comply where appropriate with Housing Association Scheme development Standards, Ecohomes 'very good' and Secure by Design. Heating and hot water not provided by renewable sources will be provided by high efficiency condensing gas boilers.

In terms of water resources it is proposed to store rainwater to provide irrigation facilities for planting. Permeable hard surfaces are to be used to minimise run-off into the drainage systems.

No information regarding sustainability has been submitted as part of this application. The development is a new development and therefore it is recommended that a condition be imposed requiring the applicant to submit details of how they intend to incorporate energy efficiency and (if possible) renewables into their scheme.

6.12 Standard of accommodation

All new residential development should provide accommodation which is of an adequate standard of particular importance is provision of outdoor amenity space, adequate internal floorspace, privacy, refuse and recycling facilities.

Outdoor and Indoors Amenity Space

Flat 1 is accessed via an entrance off Hemstal Road. It has access to its own private garden located to the south-east of the building. Flats 2-3 are accessed via a separate entrance located on the north-west of the building which is reached via steel gates off Hemstal Road. These flats both have access to a communal garden located to the north of the building. Houses 1 and 2 are both also reached via the steel gates off Hemstal road which lead to a courtyard. All 3 houses benefit from their own private gardens. All the residential dwellings meet the minimum floorspace requirements recommended in the SPG. The bedroom sizes are marginally below those suggested in the SPG, but remain of sufficient size to provide suitable accommodation.

Privacy

BRE guidelines state recommended privacy distances as being typically between 18m to 35m. In a central urban location such as this it would be impossible to achieve this level of isolation to each dwelling. It is inevitable in a location of this nature that within new build developments there be a degree of overlooking. However, through design and the use of obscure glazing this can be minimised.

House 2 and Flats 1-3 have windows in their flank elevations which at their closest points are just 4m distant; however, they do not directly face each other. The windows on House 2 face south and the windows on the flats face north-west. It is therefore considered that there is not an unacceptable level of overlooking between these two properties.

Houses 1 and 2 have windows in their west and east elevations respectively which directly face each other. At ground floor level there is one window on each property which serves a kitchen, the room is also served by windows on other elevations. These windows should be obscured glazed and fixed shut. There is a similar situation at first and second floor level with the bedroom windows, again these should be obscure glazed and fixed shut. There are another set of windows on each property at first floor level, but these serve stairwells and therefore it is not considered necessary for these to be obscured. House 3 also has windows facing into this courtyard. At ground floor level this does not overlook and at first floor level it serves a bathroom.

There are no windows in the north elevations of Houses 1 and 2 which would overlook the windows of House 3 at ground floor level. At first floor level there are windows in the flank elevations of House 1 and 2 which face north. There will be a degree of overlooking between these windows and those on the east and west elevation of House 3, however, as the windows do not directly face one another the level of overlooking is not significant. All windows serve bedrooms and are the only windows which serve the rooms. Therefore in this instance it is not considered to be appropriate to require obscure glazing.

The rear elevation of Flats 1-3 is in close proximity to the south elevation of House 2; both properties have windows on this elevation. At ground floor level those windows in closest proximity all serve either bathrooms or non-habitable rooms to Flat 1. The only window serving a habitable room has a reasonably high level of privacy facing into its rear garden. The situation is similar at first and second floor level with the exception of one window which serves a bedroom, this room is served by another window and therefore it is considered that this should be obscured glazed and fixed shut.

Refuse and Recycling

The bin stores for the Flats 2-3 and Houses 1 and 2 are located at ground floor level just west of the block of flats within easy access of the street (2.5m and 3.1m from kerb). There is also a bin store at the far southernmost corner of the site which serves Flat 1. House 3 has its own bin store on the front elevation at ground floor level 2.8m from the kerb. Adequate provision has been made for the storage of refuse and recycling facilities. These will be emptied twice per week by the Council. The applicant should be encouraged to fit FB1 locks which are standard lock and can be easily accessible for collection.

6.13 **Crime Prevention**

Policy SD1 of the UDP required developments to incorporate design, layout and access measures to address personal safety, security and crime prevention. The applicant has expressed a willingness to install measures to improve security to the new dwellings and the site. It is recommended that this be secured by condition.

6.14 **Planning Obligations**

As the proposal only results in the net increase of 2 units on the site, it does not trigger the UDP requirement of a financial contribution towards the provision of open space or educational facilities. Associated highways works car-capped and affordable housing are all to be secured via legal agreement.

6.15 Other Issues

A key concern raised by residents relates to the potential for noise disturbance from the occupants of the new residential accommodation. The proposal is for 6 family sized units, it is considered that the level of noise that is likely to be generated by this number of people is unlikely to be excessive. Officers are sympathetic to residents concerns about youths hanging around on the street and children playing unsupervised area which can be both intimidating and disruptive. However, the behaviour of the occupants is not something that can be anticipated or is specifically the result of the proposed development. It is

considered that if tenants were causing nuisance that residents contact the housing association to ask them to resolve the situation.

7. CONCLUSION

7.1 The proposal is in accordance with adopted Council policy and supplementary planning guidance and it is therefore recommended that permission be granted subject to conditions and a legal agreement.

8. LEGAL COMMENTS

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

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