Delegated Report			Analysis shee	et .	Expiry Date:	22/08/2006			
			N/A / attached		Consultation Expiry Date:	27/07/2006			
Officer			_	Application N					
Matthew Durlin	ıg			2006/2736/P, 2737/C					
Application /	Address			Drawing Numbers					
200 & 200A Goldhurst Terrace London NW6 3HL				956/S01; 02; 03; 04; AP01; 03; 04F; 08A; 09; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; Tree Report.					
PO 3/4	Area Tea	m Signature	C&UD	Authorised O	fficer Signature	Date:			
Proposal(s)									
Planning: Erection of a basement and 2-storey pitched roof building to provide 3x self contained units plus associated works including forecourt and basement parking, following the demolition of 2x single-storey garage buildings, together with the erection of a roof extension to the existing block of flats to provide an additional penthouse flat, including terraces to the front and side.									
Conservation Area: Demolition of 2x single-storey garage buildings.									
Recommendation(s): Refuse planning permission and CA consent									

Full Planning Permission

Application Type:

Reasons for Refusal:	easons for Refusal: Refer to Draft Decision Notice						
Informatives:	1						
Consultations							
Adjoining Occupiers:	No. notified	65	No. of responses	21	No. of objections	21	
Summary of consultation responses:							

Other comments:

- English Heritage does not wish to make any comments.
- Thames Water comment that the new scheme with basement should incorporate suitable methods for protection from sewage backflow.

Site Description

The application site is occupied by a 4-storey block of 12x flats (3x per floor) and 2x single-storey garage blocks facing Goldhurst Terrace. The block of flats, Lynne Court, is a 1960's building located on the north-east corner on Goldhurst Terrace and Priory Road. The site lies within the Swiss Cottage CA.

Relevant History

<u>17.06.66</u>: Grant PP for the erection of a 4-storey block of 12x flats and the provision of 7x garages and 5x parking spaces. Condition: Garages shall not be used for any purpose other than that incidental to the enjoyment of a dwellinghouse or flat, and no trade or business shall be carried out there from.

<u>PL/8804281/:</u> 18.11.88 Refuse PP for the erection of an additional storey to provide a 3-bedroom s/c flat, together with the formation of 3x roof terrace areas with 2x additional parking spaces. Reasons for refusal: 1) overdevelopment and 2) loss of light and overlooking to adjoining properties. Appeal was dismissed.

2005/3896: 23.11.05 Refuse PP/CAC for demolition of 2x single-storey garage buildings, erection of a part 1-storey and part 3-storey block of 4x 2-bedroom self-contained flats and 3x studio self-contained flats, plus a basement car park for 7x parking spaces and forecourt for 3x parking spaces, and erection of a roof extension on the existing block of flats to provide 2x 2-bedroom penthouse flats, one with a roof terrace. Appeal lodged – due to be heard at an Informal Hearing on 13th September 2006.

Relevant policies

Set out below are the Replacement UDP 2006 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.

S1, 2,6,7,10 Strategic policies

SD1 Quality of life

SD4 Density

SD6 Amenity

SD9 Resources and energy

H1 New housing

H7 Lifetimes Homes and wheelchair housing

H8 Mix of units

B1 General design principles

B3 Alterations and extensions

B7 Conservation areas

N8 Trees

T3 Pedestrians and cycling

T7 Off-street parking

T8 Car free housing

T9 Impact on parking

T10 Public off-street parking

T12 Works affecting highways

Supplementary Planning Guidance [SPG]
Swiss Cottage Conservation Area Statement [CAS]

Assessment

The application follows from the previous refusal of permission in 2005, and is essentially a scaled-down version of this scheme, in an attempt to address the previous reasons for refusal. It involves the demolition of 2x single-storey garage buildings and the erection of a ground and attic storey block of 3x 2-bedroom self-contained flats, plus basement garage level for 7x parking spaces and car lift and retention of existing 2 forecourt parking spaces, plus erection of a roof extension to the existing block of flats to provide 1x 3-bedroom penthouse flat with roof terraces.

Material planning considerations:

1. Principle of development and demolition within the CA

The principle of the demolition of the existing garages is considered to be acceptable. The original garages were built in the 1960's and, whilst they are relatively unobtrusive in their setting, it is considered that they do not make any contribution to the character and appearance of the CA. The garages are not listed and they are not identified in the Swiss Cottage CAS as making a positive contribution to the character and appearance of the Conservation Area. The principle of the proposed demolition is therefore considered to be acceptable in itself, provided that the garages are replaced by an acceptable scheme for either the redevelopment of the site or the laying out (by hard or soft landscaping) of the garage area part of the site. However, as the scheme that is the subject of the planning application remains unacceptable [as discussed below], and there is no alternative scheme for the layout of this part of the site following demolition of the garages, it is recommended that CA consent be refused again. Notwithstanding, the principle of replacing the garages with a residential block of an appropriate footprint, form, height and design is considered to be acceptable.

2. Residential Density and Mix of unit sizes; Lifetime Homes and space standards

The proposed part 1- and part 2-storey building is much reduced in height and form compared to the previously refused scheme for a 3-storey block. This was refused *inter alia* on density grounds. The Replacement UDP 2006 no longer specifies density ranges, although it refers to the London Plan, and it encourages high-density developments that are sensitively designed with regard to the surrounding area and amenity. The scheme now involves 50% fewer units than before, with only 4 flats compared to 9, and dedicated amenity space is provided for 2 of the units. It is thus considered that the considerably reduced density would fall within the ranges specified both in the old adopted UDP 2000 and the current London Plan, and that, given the context of policies in the current Replacement UDP 2006, the scheme cannot now be refused on density grounds.

The proposed scheme for the whole corner site now involves the provision of 3 x 2-bedroom flats and a 1 x 3-bedroom penthouse flat. This is an improvement over the previous scheme, which had only 3x studios and 6x 2-bedroom flats; as it now has a family-sized unit with amenity space in the form of roof terraces. This arrangement now allows for a mix of housing types and sizes; in particular a family sized unit, which is important to ensure a range of accommodation is provided within the Borough's housing stock. The units accord with SPG criteria in terms of floorspace and orientation, although daylight is somewhat minimal to the rooms of flat 2, particularly the living room which faces an adjoining flank wall. However, this is no different from the refused scheme, which was deemed acceptable in this regard.

The Replacement UDP 2006 now introduces in policy H7 a requirement for all new homes to meet Lifetime Homes standards and to be accessible to all. As proposed, the penthouse flat is capable of meeting this standard, as it is accessible by lift and has all its rooms on one level and capable of being adapted to meet the various dimensions and features. However, the new block of 3 flats will not meet some of these standards - although it does have a disabled parking space on the forecourt and some of the required internal dimensions and features could be easily introduced, the proposed plans of the internal layout do not currently meet other standards, such as adequately-sized wheelchair accessible bathrooms, and most fundamentally the block is inaccessible at its entrance because it is does not have a level threshold (the entrance door is reached by 3 steps).

In terms of sustainable design, as encouraged by Replacement UDP 2006 policy SD9, the scheme proposes a green sedum roof on the single storey flat-roofed element, which is welcomed in terms of impact on the water environment. However, no details have been provided on the detailed construction of the new building and extension and on what, if any, energy and water conservation features will be used in the building's construction and operation. An informative should be added to encourage such details to be provided in any future re-submission (as part of the requirement for Access and Design Statements to be submitted with new applications).

3. Impact on the character and appearance of the CA

This part of the Swiss Cottage CA is largely homogeneous in scale and character, being laid out in a traditional Victorian grid-iron street pattern. The area is characterised by large, semi-detached and terraced late-Victorian properties (1874/1895), in red or gault brick, with slate or clay tiled roofs often featuring turrets and gables in a distinctive roofscape. These properties also display a variety of decorative treatments, including terracotta panels and ornamentation, tiled and patterned footpaths, ornamental ironwork and timber doors and windows. Later development is generally in the form of blocks of flats (1900-1930).

Building lines of the residential streets are generally set back from pavement, punctuated by mature trees with lush green gardens to the front, helping to create the impression of wide tree-lined streets. The open green spaces formed by the private rear gardens and communal gardens between terraces of houses have been preserved largely undeveloped. These contain shrubbery and a number of mature trees, and the views and vistas combined with the general amenity of these spaces forms an important part of the character and appearance of the CA.

Within the overall architectural homogeneity of the area, there are a number of areas with their own distinctive character and of relevance to the proposal site, is the 'Aberdare Gardens & Goldhurst Terrace' area. The houses here are mostly uniform in design. Many of the original attractive period features are still evident. These houses are well designed towards maximum privacy, with large rear gardens, many of which are unspoiled.

3.1 Design, bulk, height and footprint of the additional storey to the block of flats

Lynne Court is a 1960's block of flats, located in a predominantly residential area within the Swiss Cottage CA. It is a 4-storey flat roofed (with the exception of a lift shaft) red brick building, comprising two fully linked, but visually separate blocks. The site is bounded by a low brick wall, with the main pedestrian access situated on the Goldhurst Terrace frontage. The building sits at the juncture of Goldhurst Terrace and Priory Road, with its longest elevation orientated to the Goldhurst Terrace frontage and with a setback of 7-10m from the street. The building line of the western elevation continues the pattern of development along Priory Road and is set back approximately 9m. Lynne Court is lower in height than the 5- and 6-storey blocks on the opposite corners of the crossroads. It is also lower than the adjacent late Victorian property at no. 62 Priory Road.

The previously refused scheme for erection of an additional storey to the existing 4-storey flat roofed building was considered unacceptable in terms of bulk and massing, as well as in design terms, by virtue of its incongruous curved roof profile. Given the prominent location on the junction of Goldhurst Terrace and Priory Road, it was considered that the previous extension would significantly add to the bulk of this 4-storey building, and result in a more dominant 5-storey building.

The new scheme in this current application has altered the profile of the new roof storey from a curved to a flat form and introduced a new parapet to partly mask the new storey; the footprint of the roof extension has also been reduced to incorporate additional setbacks of approx. 1.7m away from the parapet (on the southern, eastern and western sides), compared with the previous scheme (which was built to the parapet's edge, with the exception of the northern side). However, despite this, it is considered that the additional storey still remains unacceptable in its context. The overall height of the existing building has been increased (by a total of 2.4m), by the proposal to build up the existing parapet level (by 0.8m), which, together with the proposed roof extension and detailed design and materials selected (copper roof, cladding wall panels and painted steel windows) means that collectively these elements combine to make the extension visually too top-heavy and incongruous with the parent building. This impact is particularly demonstrated in Photomontage 3 (view looking west down Goldhurst Terrace), where the building looks obtrusive and bulky. The Council remains unconvinced by the montages and perspectives presented so far that the principle of a roof extension, even with setbacks, is possible here, as the proposed addition to the roof does not appear subordinate and lightweight.

The surrounding area is characterised by an architectural homogeneity - Lynne Court (the existing building) and Cecil Court (no. 2 Acol Road) are the anomalies. In this regard, it is considered that an additional floor as proposed to the existing building is unacceptable. Despite the increase in setbacks from the raised parapet, the proposed roof extension is considered to add undue bulk to the top of Lynne Court, particularly given the site's prominent location at the junction of Priory Road and Goldhurst Terrace. The existing building already visually competes with the surrounding buildings, by virtue of its differing architectural idiom. Therefore, the applicant's assertion that the scheme's increase in height, will "closer match its immediate neighbour, no.62 Priory Road and Cecil Court on the other side of Priory Road", is not considered to be a positive attribute by the Council. Instead, it is considered that the increase in the building's massing will elevate the overall height of Lynne Court, beyond the consistent eaves line established by the surrounding Victorian villas, and as such it is considered to be unacceptable.

3.2 Design, bulk, height and footprint of the new 1-2 storey building

Two groups of 3x single storey flat roofed garage buildings occupy the rear eastern corner of the site. These structures are not highly visible from the street (they are set back and screened by a brick wall), are featureless and contribute little to the character and appearance of the streetscape. The garages, by virtue of their scale, maintain the openness of the gap, which allows views through to the rear gardens of properties fronting Priory Road and no. 198 Goldhurst Terrace. The Swiss Cottage CAS clearly states that the open green spaces formed by the private rear gardens and communal gardens between terraces of houses have been preserved largely undeveloped and the views and vistas combined with the general amenity of these spaces forms an important part of the character and appearance of the conservation area.

The previous scheme, in terms of its 3-storey height, footprint, scale and bulk, was considered to result in overdevelopment of the site given the sensitive location, and furthermore its curved roof profile and minimal elevational detail was not considered respectful or appropriate to this part of the conservation area. It was previously considered acceptable in principle to build upon this part of the site, but with a much scaled down proposal, which occupied a footprint that allows for some degree of openness and limited to 1-storey.

It is acknowledged that the existing car park and garages make little contribution to the character and appearance of this part of the conservation area. However, it is considered that the existing buildings/use is adequately screened by a wall and vegetation, ensuring that the buildings/use does not detract from the perception of space between Lynne Court and no. 198 Goldhurst Terrace. The significant reduction in height (from 3-storeys to 1), compared with the previous scheme, is welcomed and the principle of a single storey building is deemed appropriate for this gap site, given the existing garage structures on the site. However, concern is raised with respect to the form and detailed design of the proposed replacement building.

The conservation area is mainly residential and largely homogenous in scale and character, as described in section 3 above (1st paragraph). Whilst there are some more modern and smaller properties, and some on gap sites, these are very much in the minority and do not necessarily fit in well with the otherwise pleasing regularity of the design idiom for a majority of the area. In this regard, although the principle of a single storey building with pitched roof is acceptable, it is considered that the proposal, in terms of its detailing, will not reflect the prevailing architectural style of the area, and as a result, would harm the character and appearance of the conservation area. It is considered that the proposed building, replacing the existing garages, is formless and feeble in its massing and detailing, failing to take cues from any neighbouring, traditional buildings – this is not acceptable given the consistency of the conservation area, as discussed above. Similarly, there is a predominance of brickwork, with limited openings or elevational detailing.

Contextually, the proposed pitched roof is also not considered appropriate in its form and height, as it bears little resemblance to any other prevailing roof profiles. In terms of massing, it would appear that the dimensions of the building are disproportionate, in that the size and pitch of the roof is incongruous with the base of the building, and hence it appears overly bulky and prominent, which also has the effect of masking some of the view through to mature trees behind and eroding the quality of this important townscape gap. Montages submitted do not adequately demonstrate that the new block will be unobtrusive in its setting, and subservient to the adjoining building at no.198.

The proposed forecourt parking for 2x cars to the front of this new building is not considered to seriously detract from the visual appearance of the streetscene. This area consists of tarmac, which is already occupied by vehicles. However, although 2 new hedges are now proposed, which is welcomed compared to the previous scheme for a larger hard surface for 3x car spaces, it is regretted that the opportunity could not be taken to enhance the site further by removing the forecourt space entirely and introducing new soft landscaping to offset the visual impact of the new higher building behind.

4. Trees and Landscaping

The application site is surrounded by trees, which make a positive contribution to the character and appearance of the CA. The trees play an important role in the offset of the negative impact of the existing hard landscaping to the rear of the site, and they contribute to the visual amenity of the area.

The previously refused application for the site would have resulted in obstructed views to two large horse chestnuts located in gardens adjacent to the site. These trees have a high level of visual amenity and make a positive contribution to the character and appearance of the conservation area. This proposed development is more low-rise and does not fully obstruct the views of these trees.

The proposed development will result in the loss of one protected lime tree (T9 of C396). This tree has been described in the arboricultural report by John Cromar's Arboricultural Company Ltd as a Category C tree (BS 5837 value category), middle aged with normal vitality, with a narrow crown and limited contribution to the street scene, being dominated by an adjacent lime (T8 of C396) which is by far the best shaped tree of the group of three. Although the lime to be removed is a similar height to the other two limes (T8 and T7 of C396), it is not as well formed and has a lower trunk diameter at chest height and therefore does not have as high an amenity value. Therefore, the no objection is raised to the removal of this tree, as the remaining limes will continue to provide high visual amenity.

It is accepted that some works will need to be carried out to other trees, namely lime T8 of C396 and a cherry to the rear of the site, to accommodate the development. The proposed works will not be detrimental to the visual amenity or the health of the trees. Any pruning of trees on the site should be in line with section 05.07 and method 5 outlined in section 06.04 of the arboricultural report submitted with the application.

With regard to tree protection measures during the development, this should be carried out in line with method 1 outlined in section 06.04 in the arboricultural report submitted with the application, in order to protect the roots and trunks of the trees. These methods are suitable to provide the best protection of the trees.

With regard to any excavation within the protection zones of the trees, method 4 outlined in 06.04 of the arboricultural report submitted with the application should be followed. These methods will ensure the protection of the trees and limit any potential damage.

5. Amenity of occupiers and neighbours

The layout, size and footprint of the building leaves little space, especially to the rear, for private garden amenity space. However, a small garden is provided for one 2-bedroom unit, "borrowed" from the existing communal garden space for the block, and the family-sized penthouse does have roof terraces on 2 sides. In the circumstances, this is considered to be adequate. The application site is not within close proximity of public open space; however as the scheme only proposes 4 units, it falls below the threshold triggering the current Replacement UDP 2006 policy requirement for contributions to public open space improvements.

5.1 The proposed penthouse flat

The previously proposed terrace area to penthouse flat facing no. 62 Priory Road would enable direct views into the habitable room of the top floor flat at no. 62 Priory Road. The current scheme now removes this terrace to address the issue. However, the position of 2x bedroom windows of the new flat would be still likely to allow some views into this habitable room window despite the new parapet introduced on the edge of the block. Although it would be simple to prevent this happening by making the windows obscure glazed and fixed shut, this is not shown on the plans, and thus there would be loss of amenity to the adjoining occupiers.

5.2 The proposed 3-storey building

The footprint of the proposed pitched roof building follows the existing footprint of the garages in relation to Lynne Court. The single-storey part of the development maintains the existing garage's setback of some 5.3m from the rear elevation of Lynne Court and the 2-storey part has a setback of some 14.3m. The pitched roof is substantially set back from Lynne Court and, due to its sloping form, it would not harm the east facing windows of this block in terms of loss of light and outlook. The green sedum roof of the single storey element is welcomed and will improve the current outlook of these flats over the existing asphalt flat roofs of the garages.

The previously proposed 3-storey building was considered to have an impact on the sunlight received by the gardens to the rear of no. 198 Goldhurst Terrace and no. 62 Priory Road. The rear garden of no. 62 Priory Road is divided into 4x smaller gardens for each flat within the property. The new block as proposed in its revised form, with a single storey element only 0.5m higher than the existing garden wall and with a pitched and hipped roof sloping at 35 degrees above this wall and rising away from the boundary, is considered to respect the setting and outlook of the adjoining garden and to not adversely affect the amount of sunlight reaching the rear garden of no. 62, especially the one in the south-east corner, to an extent that would materially reduce its amenity value.

6. Transport

The existing garages are not currently used by the residents of Lynne Court. The condition attached to the original planning permission granted for the block of flats in 1966 did not limit the use of these garages only for the occupiers of Lynne Court. These garages are now in private use and, as such, the loss of the

existing off-street parking would not have any detrimental impact on either the occupiers of Lynne Court or the on-street parking stress.

The proposed development still involves a basement as before for 7x parking spaces but now proposes a car-lift to gain access to it rather than a sloping ramp. It also now involves 2x rather than 3x forecourt parking spaces. The parking provision is now in excess of the minimum requirements for the new flats, on account of the reduced number of flats being created here. Moreover the Replacement UDP 2006 policies have changed in that Appendix 6 "Parking standards" of the Replacement UDP 2006 now refers to a maximum provision of 1x space per dwelling rather than a minimum of 1x space. In this case, as only 4x new units are being provided, only 4x spaces are needed, plus a disabled parking space. The remainder, i.e. one forecourt space and three in the basement are surplus to requirements and should not be allocated to the new flats. Although the plans specify that they will be designated for use by Lynne Court, there is no mechanism suggested by the applicant to ensure that this happens nor any guarantee that they would be taken up as such by residents on site rather than other local residents or indeed businesses (and public off-street parking with no justification for its need is discouraged by Replacement UDP 2006 policy T10). Any recommendation for permission would be subject to a condition to ensure that the spare spaces are used by residents of Lynne Court within the overall site, and the new flats would also be required to be "car-capped" to prevent overspill parking on the surrounding roads.

The car park arrangement is unlikely to allow for cars to easily manoeuvre and enter/leave the site in a forward gear and, as a result, the scheme could have a detrimental impact on road safety in the street. There would be an unacceptable safety risk to both motorists and pedestrians on Goldhurst Terrace if vehicles were required to reverse onto the highway from the site. It is noted that there is an above-average accident history associated with the nearby intersection, and the proposed scheme has the potential to exacerbate this. The internal geometry of the basement parking is considered unacceptable for 7x parking spaces, as suitable turning and manoeuvring radii cannot be achieved for all spaces. As proposed, the manoeuvring space for vehicles in the basement is very tight, requiring them to do complicated several-point turns to ensure they can leave the site in a forward-facing direction; alternatively (and certainly in the case of the rearmost space for flat 1), vehicles would have to reverse onto the car lift from the basement and then reverse onto Goldhurst Terrace if the 2x forecourt parking spaces are full. Thus the scheme is unacceptable in transport terms, and the following changes to the layout are needed to make it acceptable:

- Reconfiguring of the basement parking to provide turning space to enable all vehicles to access the
 car lift in a forward gear or re-designation of the spare forecourt parking space (labelled 'Lynne
 Court offroad Maintenance') to provide an adequate turning area.
- The rearmost basement car space designated for flat 1 on the plan is unacceptable given the angled nature of the northern basement wall, which severely compromises manoeuvrability. This parking space would need to be deleted and a spare basement space labelled "Lyn Court" redesignated for use by Flat 1.
- Taking into account the above two points, the applicant will need to provide 'swept path' drawings for all remaining parking spaces to ensure that all vehicles can exit in a forward gear.

Adequate space for cycle parking is provided in the basement, which is satisfactory.

7. Educational contribution

Educational contributions would not be a planning requirement for this scheme (as opposed to the previous scheme), as it involves the creation of less than 5 dwellings.

8. Conclusion

The proposed scheme is considered unacceptable in terms of its bulk, form and design, and as it fails to preserve or enhance the character and appearance of the CA. It is also unacceptable in terms of detailed issues of neighbour amenity and car parking layout, although these elements are in themselves capable of being resolved. Accordingly, is recommended for refusal.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613