

Appeal submitted by Linden Wates (West Hampstead) Ltd

**Against the refusal of London Borough of Camden
of Planning Permission
for**

Redevelopment of the reservoir street frontage to provide 28 residential units (Class C3 use) in two blocks from lower ground to third floors with basement parking, following substantial demolition of the roof and internal structure of the reservoir and its subsequent re-landscaping.

**At
Gondar Gardens Reservoir Site
Gondar Gardens, West Hampstead**

Gondar Gardens Statement of Case for the Appellant

Planning Inspectorate Reference: APP/X5210/A/14/2218052

Appellant Reference: JD/P5477

Council Reference: 2013/7585/P

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Appendices to Appellant Statement of Case

SC 1 - loose

Drawings

Prefix T(20) E100, E01 D, E103, E02 F, E03 G, E04 E, S01 E, P00 E, P01 E,
P02 F, P03 E, P04 E, P0-1 D, P0-2 D;
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SC 2 – loose

Design and Access Statement

Binder 1

SC 3 – 16 Unit Decision letter APP/X5210/A/11/2167190 & Proposed Views
SC4 - 28 Unit Decision letter APP/X5210/A/12/2188091
SC5 – TVIA and Gondar Gardens Views Assessment
SC6 – Officer report to committee
SC7 – Addendum Report to committee
SC8 – Transcript of Committee Report
SC9 – Decision letter 2013/7585/P
SC10 – Cripps Letter and CIL Note
SC11 – Track change version of unilateral undertaking
SC12 – London Wildlife Trust letter
SC13 – List of Development Plan Policies
SC14 - Dr Chris Miele IHBC MRTPI Letter dated 7th February 2014

1.0 Introduction

1.1.1 The appeal is submitted by Linden Wates (West Hampstead) Ltd ("the Appellant") against the London Borough of Camden's ("the Council") refusal to grant planning permission for the following:

Redevelopment of the reservoir street frontage to provide 28 residential units (Class C3 use) in two blocks from lower ground to third floors with basement parking, following substantial demolition of the roof and internal structure of the reservoir and its subsequent re-landscaping. The application is subject to an Environmental Impact Assessment. The proposals include development on designated open space which would be contrary to development plan policy.

1.1.2 This statement covers the matters insofar as they are relevant to the planning aspects of the appeal

- The appeal site and location
- The proposals and their preparation in consultation with the LPA and community
- The appeal planning proposal
- The planning issues and key policies
- The local authority decision
- A review of third party comments

1.1.3 Any additional supporting documentation referred to in this statement will be presented as appendices.

2.0 The Application Site and Location

2.1 The History of the Reservoir on the Site

- 2.1.1 The Gondar Gardens Reservoir Site, formerly known as Shoot-Up Hill Reservoir (the Site) comprises 1.24 hectares (3.07 acres) of land. The front half of the site which faces Gondar Gardens, contains a raised reservoir structure. Two thirds of the reservoir structure is below ground level with a third above, which is covered over with a shallow depth of topsoil and grass. The south and west sides of the reservoir above ground are built up using soil banks and grassed.
- 2.1.2 The Shoot – Up Hill Reservoir was constructed in 1874. The reservoir is a brick structure constructed as a tank and is founded on yellow clay. The internal dimensions into the bays are 92.41 metres long and 53.17 metres wide; the internal height being 6 metres. The walls are constructed of lateral brick arches supported by brick counterforts on the inside. The reservoir is buried in the existing ground virtually over the length of the west side with a very small bank some 20 metres from the wall. On the north side there is a small bank some 10 metres from the wall. The roof is of brick arch construction believed to be two bricks thick with 0.5 metre brick main beams supported on brick columns across the reservoir in a north-south direction and brick secondary beams running along the length of the reservoir in an east-west direction. The floor is 300mm of concrete. The roof is covered with soil and grassed.
- 2.1.3 English Heritage refer to the structure as “internally impressive but externally neutral to the point of invisibility’ (refer to Annex Cultural Heritage of the Environmental Statement Annex 3 – Cultural Heritage (appendix 15)
- 2.1.4 The Site is located at the top of a hill. When the reservoir was completed in 1874, this whole area was open farmland. The whole of the site was originally purchased for use as a water utilities site. Historical records identify, as does the investigation regarding the structure, that the rear of the site was retained following the construction of the reservoir, with the intention that this land be reserved should a second reservoir be required in this location; however the second reservoir did not come to fruition.
- 2.1.5 The water previously stored in the reservoir was for drinking water. Thames Water took the decision to build a new reservoir at Dollis Hill, rather than upgrade the Gondar Gardens reservoir. Consequently Gondar Gardens reservoir was subject of a discontinuance notice in 1997. The reservoir was decommissioned from use in 2002 and Thames Water disposed of the Site in 2010.
- 2.1.6 The reservoir site is currently hoarded. The raised reservoir structure is grassed over and there is little evidence of visible brick structure on the majority of the site; however the topography of the site with sloping embankments to a flat roof, which includes vents along the top of the reservoir structure, demonstrates that this is man-made contoured land. To the west of the site is the access point to the reservoir where the brick structure is visible, this is effectively an entrance bunker, which includes a short ladder leading to brick stairs within the reservoir. There is also a vented area and railings on the southern wall of the reservoir which is visible externally.
- 2.1.7 The vent on the southern wall of the reservoir building was part of the works required to discontinue the structure of the reservoir.
- 2.1.8 The grassed area is subject of a maintenance programme to manage the grassland on the Site. The embankment to the east and south has longer grasses and some shrubs. There are also trees intermittent around the perimeter of the site. Some trees on the south and eastern boundaries benefit from Tree Preservation Orders.

The Reservoir Structure

- 2.1.9 There were several surveys which formed part of the previous application for the 16 unit scheme within the reservoir structure.. From those surveys and appraisals of the reservoir structure it is agreed by all parties that there is water ingress via the reservoir roof and the roof is in need of repair. The roof of the reservoir has been secured from unauthorised access with security fencing to the reservoir perimeter which was erected in January 2010 and will remain in place until the site is redeveloped.

2.2 Surrounding Area

- 2.2.1 The surrounding area is late C19th and early C20th terraced housing and mansion blocks, common throughout this part of London. The south side of the reservoir was developed for housing during the Victorian period, with the north side of Gondar Gardens developed for housing during the first part of the C20th.
- 2.2.2 During this time Hampstead Cemetery to the north of Gondar Gardens was also established. The housing in the area has a mix of family and purpose built flatted developments. The surrounding streets are predominantly three storey town houses, several of these also converted into flats. Opposite the Site entrance, is the rear access to the garages of the two storey terrace houses which front onto Sarre Road. The nearest shopping facilities are to the east of the site on Mill Lane, with the district centre of West Hampstead within walking distance. Beyond the immediate surrounding streets, Hampstead Cemetery is to the north and further to the north east is Hampstead Heath.
- 2.2.3 The main arterial routes are Mill Lane to the south linking with the main distributor road (Shoot Up Hill (A5)). To the east via Fortune Green is the A41 linking the area to Finchley and the north. The site is within 10 minutes walk of Mill Lane where there are bus stops linking to the wider network. West Hampstead tube station accessing the Northern Line and rail station to Richmond, Stratford and the City are also within walking **distance** of the Site.
- 2.2.4 We direct the Planning Inspector to section 1 of the Design and Access Statement (appendix SC2) prepared by Rolfe Judd Architecture Limited, which includes a comprehensive assessment of the architecture and townscape merits of the surrounding area.

2.3 Site Designations

- 2.3.1 The majority of the Site is designated within the Camden Core Strategy as 'Private Open Space' and as a Site of Nature Conservation Importance (Borough II), referred to within Camden as a SNCI. The western portion of the site, fronting onto Gondar Gardens, is not included within either site designation and has been left as 'white land'. This area of white land (approximately 1,025sq.m in size) contains that part of the site where the reservoir structure is most visibly apparent and relates to the neighbouring built form and established building lines.
- 2.3.2 The site is not located within a Conservation Area and the reservoir building is not listed as a building of special importance on the national register. The reservoir was considered by English Heritage in November 2009 who recommended against the listing of the structure on the basis that 'it lacked sufficient interest'. Notwithstanding this, it is noted that the reservoir structure was described within the Inspector's decision (in reference to the Reservoir Scheme Appeal) as a non-designated heritage asset for the purposes of paragraph 135 of the NPPF.

2.3.3 It is noted that the Council are seeking to include the Site within the Draft Local List, which was subject of public consultation at the end of 2013. Representations have been made on behalf of the Appellant to the Council during the consultation to respond to the proposed inclusion of this site, however it is considered that the site is not appropriate for inclusion on the list, given the redevelopment of the reservoir structure on the site benefits from planning permission and the site is considered suitable for redevelopment. A copy of the letter objecting to the site being included on the local list is included in binder 2 appendix 9.

3.0 Redevelopment of the site

3.1 Background

- 3.1.1 The Applicant purchased the site in January 2010. The site is challenging in that the original use of the site as a reservoir for water storage and distribution is no longer required. The structure of the reservoir is deteriorating which means any other potential uses to use the reservoir will be subject to the brick arches/ roof of the reservoir being repaired. Other potential uses of the site are limited, reuse of the reservoir structure for storage or inert waste infill are likely to be considered unacceptable due to the high impact of traffic movements to the area and in any event would still require invasive and expensive works to repair the roof.
- 3.1.2 The Site is recognised locally as being private open space and including ecological value, however this designation fails to acknowledge the fact that the site contains a considerable built structure, which means that due to matters of health and safety the site can never be accessible to the public nor used to its full potential for the public or in a private capacity if left in its current form. It also means that the liabilities on the current owners to maintain the safety of the site and the building are considerable. In light of structural advice it is quite clear that were the site to continue to be left and the reservoir structure to receive no works of remediation to the structure (which would be costly financially), that the current merits of the open space, i.e the grasslands, are likely to be lost. The worst case scenario being as the brick arches deteriorate, inevitably the roof will fail taking the shallow grass and topsoil with it.
- 3.1.3 This proposal therefore seeks to resolve the conflicting needs for the site with regard to the maintenance of retaining a redundant structure whilst seeking to respect the ecological value the site has. This alternative approach to the permitted 16 unit reservoir scheme is considered to be a balanced and creative approach to ensure that the current merits of the site are retained as much as possible whilst also resolving the future of the reservoir structure in a positive and contributory development.
- 3.1.4 This proposal will provide 28 residential units to the frontage of the site. The scheme proposed will include:
- A mix of residential homes contributing towards a local need for housing.
 - Quality design solution responding to the previous criticisms
 - Affordable housing on site
 - Off street parking
 - Code for Sustainable Homes - Level 4
 - Lifetime Homes for all the units
 - 10% disabled units and disabled access
 - Investment in the replacement and long term maintenance for the Private Open Space at the rear of the site
 - The retention of the Victorian reservoir perimeter walls and buttresses retaining an historic record of the former use of the site.

- High quality design, providing quality housing/urban living
- Private and shared amenity space within the development
- Dedication of the remaining site as a nature reserve, gifted to a responsible body in perpetuity, with a financial contribution for future maintenance provision
- Potential opportunity for controlled public access/ open days to the nature reserve;

3.1.5 The redevelopment of the site will also require planning obligations to mitigate the impact of the development which will include, but are not exhaustive of:

- Quality design solution responding to the previous criticisms
- Affordable housing on site
- Off street parking
- Code for Sustainable Homes - Level 4
- Lifetime Homes for all the units
- 10% disabled units and disabled access
- Investment in the replacement and long term maintenance for the Private Open Space at the rear of the site
- The retention of the Victorian reservoir perimeter walls and buttresses retaining an historic record of the former use of the site.
- High quality design, providing quality housing/urban living
- Private and shared amenity space within the development
- Dedication of the remaining site as a nature reserve, gifted to a responsible body in perpetuity, with a financial contribution for future maintenance provision
- Potential opportunity for controlled public access/ open days to the nature reserve;
- Education contribution
- Construction Management Plan
- Highway/ footway repairs
- Nature reserve, maintenance and management plan

4.0 Planning History

4.1 The 16 Unit Reservoir Scheme

- 4.1.1 In June 2011 a planning application (2011/0395/P) was refused by the Council for "Redevelopment of the covered reservoir structure to provide 16 x 4-bedroom residential units (Class C3) with associated parking, refuse storage and landscaping, following substantial demolition of the roof and internal structure (application is accompanied by an Environmental Impact Assessment)." A Public Inquiry was held, which sat for six days on 22-24 May, 27, 28 September and 1 October 2012 (Appeal Ref: APP/X5210/A/11/2167190).
- 4.1.2 The Inspectorate resolved to allow the appeal on 1 November 2012, a copy of the Inspector's decision letter is included at appendix SC 3 along with a copy of the proposal for the 16 unit scheme.

4.2 The First Frontage Scheme

- 4.2.1 In January 2012 an application (2012/0521/P) and was received by Camden Council for a 28 unit scheme located at the front of the site. This application was supported by officers but refused by the Planning Committee on 23rd May 2012.
- 4.2.2 A public Inquiry was held for 3 days starting 9th April 2013. (Appeal Ref: APP/X5210/A/12/2188091) A copy of the decision letter and proposal is included at appendix SC4 The Inspector's report included the following comments/ paragraphs 6- 13.
- *6. The development would be located along the front of Gondar Gardens in filling the gap between the existing buildings. While a small proportion of the designated POS would be lost, over 98%, located at the rear of properties along Gondar Gardens, Agamemnon Road, and Hillfield Road, would be retained. In addition, the majority of the SNCI (around 93%) would also be retained and through a legal agreement, the area would be passed on to the London Wildlife trust (or equivalent body) to manage, improving its ecological interest and introducing some public access.*
 - *7. In reaching a conclusion on this matter I have taken into account a recent planning permission where development was accepted on a significant part of the POS/SNCI and this poses a realistic fall back position to the appeal scheme. I have also considered the effect on protected species, and although there would be some disturbance to the SNCI, particularly during deconstruction of the reservoir, I am satisfied that the mitigation set out in the Reptile Mitigation Method Statement would ensure they would not be adversely affected. Therefore, in this case, the benefits to biodiversity through the future management of the SNCI, and access to the public (albeit limited, in the interests of nature conservation), together with the realistic fall back position (where a scheme with a greater loss of SNCI and POS could be built) would outweigh any small loss of designated POS/SNCI arising from the appeal scheme.*
 - *8. There would be sufficient POS/SNCI retained to ensure that its appreciation by the significant number of residents who back directly onto the site, the future occupiers of the appeal development and the public visiting the SNCI would continue and I consider it would remain a public asset. It would, therefore, still be of benefit to the community and there would be no harm in this respect. The retention of most of the POS/SNCI would ensure that*

the benefits it creates as a 'green lung' amid dense development and its high environmental value would not be diminished.

- *9. The scheme would protect the POS and enhance the SNCI in accordance with the aims of Core Strategy (CS) policy CS15 and the London Plan (LP) policy 7.18. It would improve access to the SNCI in accordance with LP policy 7.19. These policies are constant with the aim of the National Planning Policy Framework (the Framework) to protect land of high environmental value.*
- *10. However, the policy justification for CS15 goes further, recognising that development adjacent to POS should not cause harm to its appearance or setting, or public enjoyment. Policy 7.4 of the London Plan also indicates that development should improve an areas visual or physical connection with natural features.*
- *11. The part of the site to be built on is open land and from Gondar Gardens it offers pleasing views over the appeal site and beyond to Hampstead. Despite the appeal scheme proposing a gap between the two new blocks, the public views from Gondar Gardens would be largely lost, reducing the appreciation of the site.*
- *12. Although separated from the site by the road, the occupiers of properties on Sarre Road, which backs onto the opposite side of Gondar Gardens, have views towards the open appeal site. The loss of views and their infilling with new development would not affect their living conditions in terms of light or outlook as it would be too far away, but it would reduce enjoyment of their property. The land to be built on also provides the open setting for, and physical connection for the public to, the POS/SINC and this would be largely lost. There would be some harm arising from the conflict with LP policy 7.4 and CS15 policy justification in this respect.*
- *13. However, the aforementioned recent planning permission for the appeal site accepted development which, although of a much lower scale, would obstruct views of the POS and the land beyond from the public realm. The loss of views from the public realm could take place if the permission is implemented. In addition, while Camden is meeting its housing targets, account has been taken of the considerable benefits of the appeal scheme in contributing towards overall housing numbers (including affordable housing units) in London for which the London Plan indicates that there is a desperate and pressing need. It would enable the reservoir structure (which is likely to deteriorate over time) to be safely demolished and it would add value to the biodiversity at the site. In these circumstances, the loss of views over the site for both the public and the residents of Sarre Road, and any loss to the setting or connection to the POS/SNCI would be outweighed by the significant benefits of the scheme. The proposal is consistent with the scheme the Inspector considered and found acceptable with regards to open space and protection of habitat.*

4.2.3 The Inspector resolved to dismiss the appeal on 3rd June 2013. The Inspector was specific in the reason to dismiss the Appeal as follows:

- *25 The development has been designed to minimise the impact on the POS and SNCI and I have concluded that the benefits of the scheme outweigh any small harm in this regard. While many other aspects of the scheme are acceptable including the siting and size of the proposed buildings, the scheme fails on the detailed design as outlined above [paragraphs 18-20]. For this reason, it would be contrary to National and Local Plan policy and the appeal is dismissed (ref APP/X5210/A/12/2188091).*

4.2.4 The previous frontage scheme failed for specific detailed design reasons as identified by the Inspector. The siting, height and massing of the two blocks were supported by the Inspector. The Planning Inspector's comments relevant to the detailed design of the scheme are set out below (paragraphs 18-20):

- *18. However, my main concern with the appeal scheme is the detailed design. The proposed design seeks to repeat the proportions of houses and bay windows seen in the area, through a series of brick projections. However, the varying size of the projections, the large expanses of brickwork (seen particularly on the two large projections), the combination of geometric shapes and the four storey sections with a flat roof, only serve to distinguish all elements of its design from those in the surrounding area. There is no visible connection to the intricate shapes, decorative detailing (including red brick and white mouldings) or the strong vertical emphasis seen in the surrounding houses which combine to determine the character of West Hampstead.*
- *19. There are examples of new development of contrasting design in the area. However, they are generally smaller developments, which exert little influence over the area. By contrast, the appeal scheme would stretch some 70 metres along Gondar Gardens, filling most of this section of the road along one side. It would impose a long development of a very different character, thereby significantly harming the distinct and attractive character of this part of West Hampstead and its contribution to the wider area.*
- *20. It is appreciated that the design was as a result of an iterative process with the Council, but it is the appeal submission before me that is for consideration and dealings with the Council have not influenced my decision. The building would be there for many years to come, negatively influencing the character and appearance of the area. The harm from the detailed design would not, therefore, be overcome by the significant benefits of the scheme. It would conflict with LP policy 7.6, CS policy CS14 and Camden Development Policies DP24 which seek to protect local character. These policies are consistent with paragraphs 58 and 60 of the Framework which aim to ensure that development responds to local character including the promotion of local distinctiveness.*

4.2.5 The Application which is subject of this appeal was submitted to respond and overcome the concerns of the Inspector with regards to the detailed design.

5.0 The Proposal

- 5.1.1 The key requirement of this application was to respond positively to the detailed design criticisms of the previous frontage scheme, whilst ensuring the integrity of the development is retained and all matters considered acceptable previously are also retained within the scheme evolution.
- 5.1.2 The planning Inspector raised key concerns, principally these fell short of meeting the requirements of paragraph 58 and 60 of the NPPF – which encourages local distinctiveness.
- 5.1.3 In response to the Inspectors comments the Architect undertook a thorough re-examination of the character, setting, context of the surrounding area and the form, scale and architectural qualities of neighbouring buildings to establish key characteristics. Analytical drawings of the existing façade on Gondar Gardens were prepared which examined the scale, rhythm, horizontal and vertical emphasis, material qualities and decorative detailing. This analysis was utilised and anchored within the architectural language of the revised scheme
- 5.1.4 The Architects have positively responded to the specific concerns of the Inspector. In developing the revised scheme have consulted with the local planning authority and the local community to deliver the scheme that will be an asset to the local area.
- 5.1.5 The proposal integrates greater definition into the façade details and treatments, both with regards to detail and materials to create a symmetry and architectural language that reflects a contemporary development drawing on the Edwardian influences within the locality.
- 5.1.6 This appeal proposal will provide 28 new residential units and the vast majority of the open space will be retained on the site as open space for nature conservation. The frontage proposal has been designed to respond to the various concerns raised by the Council and the local residents which related to the previous 16 unit scheme (now upheld at appeal) and provided an alternative proposal for the site.
- 5.1.7 The scheme proposed will deliver:
- The application proposes to demolish the existing reservoir structure and redevelop the street frontage to provide 28 residential units (Class C3 use) in two blocks, comprising a mix of 1, 2, 3 and 4 bed units.
 - The smaller block, to the north of the street frontage, will house 8 residential units, all of social rented tenure, from lower ground to third floor level.
 - The larger block will provide 20 residential units, two of intermediate tenure and the remainder for market sale, from lower ground to third floor with basement parking.
 - The roof and internal load bearing brick arched structure of the reservoir would be demolished leaving the side retaining walls which would be covered with banks of earth sloping gently downward into the central dished area left by the removed reservoir roof.

- The majority of the reservoir area would be retained within the designated Open Space and SNCI. The land would be re-graded to form a landscaped 'dish', with slopes into the central area of the removed reservoir structure which will be then be landscaped.
- Dedication of the remaining site as a nature reserve, gifted to a responsible body likely to be the London Wildlife Trust in perpetuity, with a financial contribution for future maintenance provision
- Opportunity for controlled public access to the nature reserve
- The development will incorporate measures targeted at improving energy efficiency and the use of energy from renewable sources in order to reduce carbon emissions.
- All residential units will be Code for Sustainable Homes Level 4.
- The design, mass and scale of the residential buildings facing Gondar Gardens have been designed to complement and complete the street scene, respecting the heights of the adjoining properties whilst ensuring the existing relationship of neighbouring properties and outlook are unaffected
- The development achieves a suitable density for the site having regard to the local context around the site, achieving a quality design solution
- The Site is located in a sustainable position with good links to public transport and sustainable transport measures.

6.0 The Application and Local Planning Authority Decision

6.1 Pre-Application Consultation

6.1.1 In response to the Inspectors decision and specific comments in June 2013, the Applicants have undertaken the following pre-application consultation:

- Pre-Application meeting with officers on 29th August 2013
- Further submissions to the Council in September 2013 prior to the Council's Design Review Panel on 18th September 2013
- Public exhibition held on Tuesday 15th October 2013
- Meeting with representatives of GARA on Monday 4th November 2013 and on-going dialogue throughout the application stage
- Meeting with officers post submission on 7th January 2014

6.1.2 A Statement of Community Involvement was prepared by Remarkable Group, which sets out the engagement the applicants completed prior to submitting this application and the response to the current scheme (Binder 2 – Appendix 3)

6.2 Officer Discussions

6.2.1 At the meeting in August, officers were generally supportive of the approach responding to the Inspectors' concerns regarding detailed design. Following the Design Review Panel in September 2013, amendments were then made to the design to respond to those further comments.

6.2.2 Officers supported the application and agreed the revised proposal addressed the concerns of the Inspector. Officers presented the planning application to Planning Committee on 27th February 2014.

6.2.3 A copy of the full officer report to committee is attached at Appendix SC6 and the addendum report at appendix SC7. A transcript of the presentation and discussion on the application is also included at appendix SC8.

6.2.4 Officers presented a comprehensive case to the Members and began their presentation reminding elected Members of the previous Inspectors comments and the only matter which the Inspector found unacceptable was the matter of detailed design and local distinctiveness.

6.2.5 After considerable debate during the meeting and further supporting comments from officers, the Planning Committee voted on the application. The vote was 4 members in support of the application and 4 members against with 1 member abstaining from the vote. The Chair of the Planning committee had already voted to refuse the application and so the Chairs vote meant the application was subsequently refused.

6.2.6 The Council included 13 reasons for refusal. The full reasons for refusal are set out in the Council's decision letter SC9.

6.2.7 The Council included within the decision, 12 reasons for refusal that specifically related to matters that would normally be overcome by obligations within a legal agreement or undertaking. These matters are set out below and a Unilateral Undertaking has been prepared and submitted to the Inspector to overcome these reasons:

- Reason 2- Affordable Housing on site and financial contribution
- Reason 3 – Car-capped housing
- Reason 4 – Contribution to educational infrastructure
- Reason 5 – Contribution to public open space
- Reason 6 – Contribution to community facilities
- Reason 7 – Secure a demolition and construction management plan
- Reason 8– Secure an ecology and habitat plan;
- Reason 9 – Secure local labour and procurement of local employment and business opportunities
- Reason 10 – Secure associated highways works adjacent to the site
- Reason 11 –Secure financial contributions towards pedestrian and environmental improvements in the area
- Reason 12 – Secure the incorporation of environmental sustainability measures
- Reason 13 – Secure fully fitted wheelchair accessible affordable housing

6.2.8 The remaining reason the Council included is set out below:

- Reason 1 - The proposed development, by reason of its detailed design, would be detrimental to the streetscape and the character and appearance of the wider area, contrary to policy CS14 (promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

7.0 Relevant Planning Policy Framework

7.1 The Development Plan

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

7.1.2 The Planning and Compulsory Purchase Act 2004 defines the development plan as the spatial development strategy (or SDS) and the development plan documents (taken as a whole) which have been adopted or approved in relation to that area. The London Borough of Camden has produced a Core Strategy and Development Policies Document. Both documents were subject to an Examination in Public in May-June 2010 (with the Inspector's report published on 13th September 2010) and formerly adopted by the Council in November 2010.

7.1.3 Consequently, the development plan for the purposes of this Application comprises those policies set out within the London Plan, the most recent adopted version of which was published in July 2011, and Camden's Core Strategy and Development Policy documents (both adopted in November 2010).

7.1.4 The Government published the National Planning Policy Framework (NPPF) in March 2012. The NPPF replaces the majority of Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) and sets out the Government's economic, environmental and social planning policies for England. Annex 1 (Implementation) to NPPF makes it clear that the policies contained within the Framework apply from the date of publication and hence the document constitutes a material consideration for the purposes of this Appeal. Paragraph 11 of the NPPF also reminds us that 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the PCPA 2004).

7.1.5 A comprehensive list of policies and guidance is included in appendix x to this statement which address the overall development plan for the scheme and the matters requiring mitigation via a planning obligation.

7.1.6 We have set out below in this section of the Statement only those policies which are relevant to the key matter of this appeal, that being the matter of detailed design and local distinctiveness.

7.2 National Planning Policy Framework

7.2.1 The NPPF places significant weight on the delivery of a wide choice of high quality homes and makes it clear that local planning authorities should "boost significantly the supply of housing" (Paragraph 47). Paragraph 49 goes on to state that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

7.2.2 The Inspector specifically referenced two paragraphs of the NPPF

Paragraph 58.

7.2.3 Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the

area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60.

7.2.4 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

7.3 Camden Core Strategy

7.3.1 The Council in their first reason for refusal refer to the following policies:

7.3.2 The Council refer to the adopted Core Strategy, policy CS14 – Promoting high quality places and conserving our heritage

Policy CS14

7.3.3 The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- a) requiring development of the highest standard of design that respects local context and character;
- b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
- c) promoting high quality landscaping and works to streets and public spaces;
- d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;

- e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.

7.4 Camden Development Policies

The Council refer to policy DP24 – Securing high quality design in

7.4.1 The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;
- b) the character and proportions of the existing building, where alterations and extensions are proposed
- c) the quality of materials to be used;
- d) the provision of visually interesting frontages at street level
- e) the appropriate location for building services equipment;
- f) existing natural features, such as topography and trees;
- g) the provision of appropriate hard and soft landscaping including boundary treatments;
- h) the provision of appropriate amenity space; and i) accessibility.

7.4.2 The Appellant is confident that the Appeal proposal successfully addresses and supports the aspirations of the design policies and supporting guidance and the Council's reason for refusal holds no planning weight and is overcome. This is discussed in more detail in section 8 of this Statement.

8.0 Assessment of the Reasons for Refusal

8.1 The 12 Reasons overcome by the Unilateral Undertaking

8.1.1 The Council included 13 reasons to refuse the application. 12 of these reasons can be overcome by undertakings from the Appellant submitted via a planning agreement.

8.1.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the "CIL Regulations") creates statutory tests to determine whether a planning obligation is capable of being a reason for granting planning permission.

8.1.3 Obligations must be:

- 1 necessary to make the development acceptable in planning terms;
- 2 directly related to the development; and
- 3 fairly and reasonably related in scale and kind to the development.

8.1.4 We include a note within appendix SC10 that considers and explains, in respect of each of the planning obligations proposed in the Unilateral Undertaking, with reference to the London Borough of Camden's ("the Council") Core strategy and Development Plan policies and associated guidance and the impacts of the development, how each of the measures proposed can be demonstrated to be compliant with these legislative tests.

8.1.5 The Appellant having considered these three tests and applied them to the obligations contained in the Section 106 Agreement relating to the Gondar Gardens Reservoir in Gondar Gardens West Hampstead ("the Site"). The Appellant is satisfied that the obligations contained in the Section 106 Agreement meet the three tests.

8.1.6 The Appellant has submitted a Unilateral Undertaking and included wording/ obligations in the same form as previously accepted by the Council. The Appellant is willing during the course of the Appeal procedures to amend the unilateral undertaking into a bi-lateral agreement with the Council, subject to the any wording being agreed by both parties.

8.2 Reason 1 - Detailed Design

8.2.1 The only reason outstanding is reason 1 which relates to the detailed design of the residential scheme.

8.2.2 In response to the previous Inspectors decision, the Architect responded to the concerns of the Inspector by completing further appraisals in assessing the townscape merit and character of the surrounding area.

8.2.3 It is important to emphasise that the matters for consideration for this application, were solely relating to detailed design. The Inspector acknowledge that

- the existing appeal stretch of Gondar Gardens is not typical to the surrounding contextual pattern.
- the height, depth, scale, layout, general size and siting is considered acceptable.
- the proposals provide a strong sense of enclosure, re-instating the strong pattern of development which is an important part of the character of the area.

8.2.4 The Architect undertook a thorough re-examination of the character, setting, context of the surrounding area and the form, scale and architectural qualities of neighbouring buildings to establish key characteristics. Analytical drawings of the existing façade on Gondar Gardens were prepared which examined the scale, rhythm, horizontal and vertical emphasis, material qualities and decorative detailing.

8.2.5 This assessment is explained in pages 8-16 of the Design and Access Statement. The results of this appraisal identified key local themes that create the local distinctiveness of Gondar Gardens and the surrounding area:

- Bay windows
- Plot Widths
- Turning the corner on buildings
- Windows, entrances and façade details
- Roofs
- Banding and Proportions
- Defining development boundaries

8.2.6 Within the Design and Access Statement, (page 48) the Architect provides a summary of responses that address the Inspectors criticism of the previous scheme, set out in below

- *The varying sizes of brick projections have now been changed to uniform plots in the foreground. An approximate mean dimension was agreed upon [with the Council] that works with the existing plan form - 9- 10m and reflects that of the neighbouring buildings. (See point 18,19 and 20 of the Appeal Decision).*
- *The larger brickwork projections that caused concern have now been reduced in order to create a uniform foreground notional plot width. This is also a consequence of the above change. (See point 18,19 and 20 of the Appeal Decision).*
- *The more regular, rhythmic and articulated facade creates a more contextually appropriate composition. The front and back planes are now more considered and the four storey red brick flat roof backdrop has been significantly reduced to define the main entrances of the apartment blocks. A pitched roof runs along 75% of the fourth floor making the overall building apparently smaller and lighter on the upper storey. (See point 18,19 and 20 of the Appeal Decision).*
- *White precast concrete surrounds frame a contemporary interpretation of bay window. Structural silicone glazed bays allow the projected amenity space to have 180 degrees views. The light weight materials reference the render and brick bands whilst maintaining a lightweight feel. (See point 18,19 and 20 of the Appeal Decision).*
- *White rendered reveals around windows define openings more clearly. Aluminium PPC coated windows with opening lights picked out in a darker grey create a strong contrast and provide additional decorative detailing. (See point 18,19 and 20 of the Appeal Decision).*

- *The introduction of the glazed bays provide vertical emphasis as does the more regular rhythm of the brick projections. The foreground brickwork makes reference to the horizontal eaves line whilst the backdrop plane rises vertically behind the projections to create the sense of grandeur anonymous with a mansion block at the main entrances. The siting of the development entrance at the brow of the hill adds to the sense of hierarchy. (See point 18,19 and 20 of the Appeal Decision).*
- *The scheme now responds to context more obviously whilst still maintaining its own identity as new addition to the street. The development is not born out of the same requirements as a Victorian or Edwardian Mansion House, however it has been articulated and designed in such a manner that it clearly responds and respects local character. Therefore we now believe the Inspector will see how the scheme can be considered to promote local distinctiveness. (See point 19 and 20 of the Appeal Decision). This is achieved through detailed references and contrasting form. The new proposal is a modern day version of a West Hampstead Mansion.*

8.3 Townscape Assessment

8.3.1 The Application was supported by an Environmental Statement. Dr Chris Miele IHBC MRTPI, prepared a Townscape and Visual Impact Assessment to support the application. In addition provided a letter of support dated 7th February 2014 (appendix SC14) and addressed Planning Committee in support of the scheme.

8.3.2 Detailed extracts from Dr Miele's letter are set out below

The Inspector's Reasons

- *In general the Inspector found much to recommend the scheme; indeed, in her summing up (paragraph 20), she referred to the scheme's significant benefits.*
- *Her concerns about the detailed design derived from the following considerations.*
- *First was the effect of the proposals on local character. She acknowledged there were examples of contemporary design locally, but was concerned at the impact of the particular design over such a long frontage.*
- *Second, she found that the local area had certain notable and distinctive characteristics which were material to any design proposed over such a long frontage. These local influences are analysed at length in the Design and Access Statement forming part of the current application.*
- *Third, she identified a number of features which did not complement that area's character. These were:*
- *The brick projections intended to repeat the proportions of houses and bay windows in the area were too varied in size;*
- *There were large expanses of unrelieved brickwork (notably on the two large projections);*
- *The combination of geometric shapes and the four storey, flat roofed sections served to differentiate the whole design from the surrounding area;*

- *Finally, she found no 'visible', that is, 'apparent' connection of the proposed details to the 'intricate shapes, decorative detailing (including red brick and white mouldings) or the strong vertical emphasis seen in the surrounding houses' which 'combine to determine the character of West Hampstead' (paragraph 18) .*
- *The Inspector concluded that in all other respects, the design was acceptable. The scheme's height, scale, layout and depth of the proposals would complement buildings locally, providing 'a strong sense of enclosure' (paragraph 17). She took no point against the use of materials either.*
- *The Inspector did not at any point endorse a particular style, and it is clear that her concerns only related to the street façade. Neither did she find the drawings deficient or inaccurate, leading her to question the deliverability of the architectural proposal before her. She took no point against the intrinsic design quality of the proposals either.*
- *This decision is clearly worded and specific, and drafted, on my reading, to offer very clear guidelines for any revised proposals.*
- *As you know, such a decision, recent in date and offering clear advice on how to address reasons for the dismissal, carries great weight in the determination of a revised application. All other aspects of the scheme being equal, officers are bound to focus their assessment on the new schemes response to the Inspector's reasons.*
- *Necessarily, the Inspector's reasons take the form of criticisms. I think it is helpful to turn these into positive statements about what any new design should achieve to complement the character of the area. From this decision, then, I take the following positive design cues:*

The Proposals

- *The Design and Access Statement demonstrates how the design has responded to the Inspector's concerns. The summary drawing on page 49 is particularly helpful in this respect. This sheet also presents the previous and current proposals and so enables a direct comparison.*
- *Consistency in the scale/size of projecting bays*
- *The dimensions of the two sets of projecting bays have been regularised.*
- *The three larger projecting bays to the longer element of the scheme are each 10 metres in extent. That fourth, on the single block to the side of the gap, is 9 metres, but practically this will appear the same size in normal viewing conditions.*
- *Thus the four important organising elements of the façade are consistent and well defined.*
- *An additional set of smaller bays have been added to the elevation to reflect the prominent bay windows which contribute to local character. These secondary bays are themselves regular, as one would expect in an older form of terraced development.*
- *The introduction of these smaller bays is a very important 'move'. They, together with the larger bays behind, will set the character of the elevation as it will be appreciated in oblique views. Thus the front of the scheme will move*

in and out in depth, with the eye catching the corners of projections in different, contrasting materials. This is the effect of much of the late Victorian and Edwardian buildings in the area.

Areas of Unrelieved Brickwork

- *The new elevation has a more solid appearance. The proportion of window opening to brick facing has been materially reduced.*
- *Furthermore, the openings have a reconstituted stone lining that reflects, in contemporary form, more traditional window/door surrounds, providing a finer grain of detail.*

Consistency of Geometry Tying the Buildings Together

- *The introduction of projecting bays and the increase in the area of brick facing produce a solid, well defined form, which can be appreciated in elevation but will be particularly apparent in real viewing conditions.*
- *Overall, the new elevation is more orderly than the appeal scheme. The previous fenestration pattern lacked the openings in the revised scheme are grouped on a more obvious vertical alignment. The bays achieve this and other design details, but so does the sloping roof treatment with dormers. These will be appreciated as vertical accents terminating the vertical grouping below, and in that way the elevation will appear more regular. The sloping roof also obviously relates to traditional roof forms, answering on of the Inspector's concerns.*

Readily Apparent Detailing Tying the Proposals to Buildings in the Area

- *The appeal scheme had been based on a contextual analysis which generated a specific design response. That is clearly set out in the previous D&A.*
- *The Inspector's comments are very clear here. She recognised, in effect, that the design was based on local sources. She concluded, however, that the prototypes for the design were too remote, such that a casual viewer, say, would not appreciate the link.*
- *In other words, she wanted some more obvious reference to defining features in the area, without however, for a moment suggesting pastiche or facsimile.*
- *Two features of the design answer this directly, the smaller projecting bay windows (bays are common in the domestic architecture in this part of London) and the use of white aperture linings contrasting with the brickwork. Such constructional polychromy is a feature of late Victorian and Edwardian speculative housing (terraces, semis and mansion flats) of the area.*
- *I should also point out that the final detailing of the projecting bays and window spandrels present another opportunity for finer detailing if the authority, or another Inspector, finds this is desirable. There is no reason why some form of pressed ornament couldn't be worked into some of the bay cladding or window detailing, and that could easily delivered through a condition. In other words, the lack of finer grain relief should not be a reason for refusal because it can be dealt with by a condition (the Circular on conditions is clear on this).*
- *The sloping roof, mentioned earlier, achieves the same objective. Any apparent link to the traditional architecture which contributes to the character of the area.*

9.0 The Officers Report to Committee

- 9.1.1 Officers also supported the proposal and the response to overcome the Inspectors criticisms
- 9.1.2 The officer report to committee sets out clearly the parameters that Members were to consider the decision. It is noted the presenting officers were Conor McDonagh (Planning Officer) and Alan Wito (Conservation and Design Officer), both officers represented the Council at the previous Inquiry for the dismissed frontage scheme. Both officers supported the revised scheme, presented to the Planning Committee and recommended that the revisions to the frontage scheme should be supported.

BACKGROUND

- The proposed development is broadly similar to what was refused by the Council in May 2013 under reference 2012/0521/P (see history section for detail). That refusal was subsequently appealed and an Inquiry held during April 2013. Although the Inspectorate dismissed the appeal, the decision was clear in that the development was acceptable in all matters apart from the 'detailed design' of the facades. The Inspector fully agreed the principle of the development in terms of its housing use, mix, quality and affordable offer; the location, scale, massing, height and bulk of the buildings; amenity of surrounding neighbours and highway network; and the partial siting on designated Open Space and on a Site of Nature Conservation Importance (SNCI). In agreeing all these matters the Inspector endorsed all the relevant conditions and obligations that were agreed between the Council and the applicant prior to the Inquiry. Consequently, for the purposes of the assessment of this resubmission, the Council should only consider what the Inspectorate found to be 'unacceptable', which is the detailed design of the facade. The detailed design is the only substantive matter that requires consideration; as such the applicant has submitted a revised design. This will be considered in detail under the Urban Design section of this report. Notwithstanding detailed design being the only substantive issue, where necessary this report will also demonstrate how the development is compliant with the Development Plan's non detailed design related policies.*
- 9.1.3 The Officer report (section Urban Design paragraphs 6.22 - 6.46) provides a comprehensive analysis of the architectural response to the Inspectors concerns:
- 9.2 **Point 1: The varying size of the projections**
- 6.32 Criticism of the appeal scheme arose from the fact that the lighter brick projecting bays to the façade were irregularly spaced and unevenly sized (ranging from 2.5 metres to up to 10 metres) which did not respect the overall pattern of development in the vicinity. Pages 34 and 35 of the submitted design and access statement show how this has been addressed. The development has been broken up into four projecting elements which broadly correspond with the plot width of an adjoining mansion block. Each of these blocks is separated by a recessed darker brick section which helps to create a development where the perceived plot widths are much more evenly distributed. Given the requirement for a policy compliant mix of types of residential units within the development, it is not possible to get a more uniform façade.*
- 9.3 **Point 2: The large expanses of brickwork**
- 6.33 The appeal scheme featured large expanses of brickwork on a single plane which was largely unrelieved except for the recessed window and door openings. The impact of this would have been particularly felt in longer*

views from the south on Gondar Gardens where the building had an overwhelming impact. This was most 6.34 Under the revised proposals the brickwork façade has been broken up through the introduction of more protruding elements such as bay windows and window moulding as well as brick recesses which are seen in the oblique views shown on pages 70 and 71 of the Design and Access Statement. Also the southern-most protruding block has been reduced in size which also helps address the inspector's concern.

9.4 Point 3: The combination of geometric shapes and four storey sections with flat roof

- 6.35 The appeal scheme was criticised for its use of varying geometric forms which contrasted from the surrounding area. These included pronounced horizontally proportioned projecting blocks which sat in combination with vertically proportioned sections, all of which were of varying widths. This did not sit comfortably in a townscape where the predominant pattern of development was for a more regular rhythm of plot widths and projecting bays
- 6.36 As is mentioned above a more uniform appearance has been given to the façade with the even sizing and spacing of the projecting blocks. The development now reads as a more uniform building as most of the third floor has been changed from a set-back brick storey to a much more subservient pitched roof with dormer windows. This reduces the impact of the third floor and draws the eye to the more uniformly spaced brick blocks below.
- 6.37 In two instances the third floor is expressed in a brick façade but this is done for reasons of legibility. The development consists of a mixture of flats and dwelling houses. The entrance to both blocks of flats are expressed through these raised sections of the development and such an approach is considered good urban design practice to provide a focal point which attracts a visitor's attention to the building's entrance. Such an approach is also found in other mansion blocks in the wider area so it is not without precedent.

9.5 Point 4: No visible connection to the intricate shapes found in the surrounding townscape

- 6.38 Whilst the existing townscape comprises of long terraces these are largely uniform with complexity and depth is given to the façade by the projecting bays and gables which provide a great deal of interest and relief and draw attention to the individual building as well as the terrace as a whole. In contrast the appeal scheme expressed the façade as simple large geometric blocks with punched openings so that the overall scale of the building was more apparent than the façade treatment itself.
- 6.39 The façade detailing of the current proposal is much more articulated and interesting. A combination of the pitched roof, introduction of contemporary projecting glass bays and by varying the plane of the front building line all create a much more intricately formed building.

9.6 Point 5: No visible connection to the decorative detailing found in the surrounding townscape (including red brick and white mouldings).

- 6.40 A much greater amount of decorative detailing has been added to the proposed scheme and this is shown in pages 38 and 39 of the design and access statement. The traditional decorative detailing found in the surrounding townscape has been reinterpreted in a contemporary manner and applied to the building's façade.
- 6.41 Window and door reveals are generally now framed in a slim projecting moulding which provides another material to the façade. The traditional canted bay is reinterpreted as a frameless projecting window and balcony and framed with a pre cast white surround. This is an important feature which not only gives a sense of interest and depth to the façade but also introduces more vertical emphasis and a finer rhythm to the façade which is more in character to the surrounding townscape.
- 6.42 A very subtle detail is added to the façade by introducing recessed panels of brickwork in places. This is generally done in places to avoid areas of unrelieved brickwork.
- 6.43 The surrounding townscape is predominantly constructed from either a London stock brick or a lighter buff brick with red brick and stucco used for decoration. The proposed development reinterprets this in a much simpler way through the use of a lighter brick for the main projecting blocks and with a red brick used on the recessed blocks. Although the red brick is used more expansively on the proposed development the general approach of the lighter brick being more prominent will still be clearly evident.

9.7 Point 6: No visible connection to the strong vertical emphasis found in the surrounding townscape

- 6.44 Page 44 of the Design and Access Statement illustrates how the façade has been broken up better and given much more vertical proportions.
- 6.45 Firstly the four main blocks of the development in the light brick are better proportioned to have a more vertical emphasis rather than horizontal proportions. Dividing each block is narrow vertical red brick section set back from the frontage. A much finer vertical rhythm is provided by the projecting bays (with the brick recesses and dormers above this further emphasises the verticality) and the vertical stacking and extended framing of the fenestration. Where larger window are proposed the proportions of the framing give a vertical emphasis.

9.8 Officer Design Conclusions

9.8.1 In conclusion, Officers recommend at paragraph 6.46:

- *The proposed development represents a contemporary version of the predominant building type found both on Gondar Gardens but also the wider area. The character of the area is derived from groups of buildings built at different times but which share key features such as vertical emphasis and a high level of articulation. This contemporary design is in keeping with the character and it is appropriate that this scheme uses modern detailing and materials as an honest expression of its age. The previous detailed design related refusal reason has been overcome along with the specific criticisms outlined by the Inspector. The proposal therefore accords with policies CS14 and DP24.*

9.9 Appellant Approach

- 9.9.1 The Appellant's case demonstrates that the design of the 28 units is appropriate for the site and contributes positively to the streetscape of Gondar Gardens. The architectural detail of the housing has been developed in consultation with the Council and expert consultant input to respond to the specific concerns of the Inspector.
- 9.9.2 Officers presented a compelling presentation to Members and provided a solid report wholly supporting the amendments made to the scheme and the quality of the architectural changes to the scheme.
- 9.9.3 The architectural approach to the current Appeal scheme balances the expectations of delivering local distinctiveness whilst ensuring the built form is innovative responding to the architectural styles of the neighbouring area without having architectural styles or tastes imposed on a contemporary architectural solution.

10.0 Third Party Comments and Appellant Response

10.1.1 The Appellant has endeavoured to work with the local community when resolving the outstanding concerns of the Inspector. Amendments to the scheme following the public consultation included:

- lowering of the car lift to create a greater view through to the open space at the rear of the site, together with far reaching views beyond
- improvement in the arrangements of the bays
- additional brick detailing
- reduced bulk and four storey elements with the introduction of 75% mansard
- greater consideration to the palate of materials.

10.1.2 It is noted that the Gondar and Agamemnon Residents Association (GARA) did not object to the application but chose to provide *constructive criticism*, this stance was taken in GARA's letter dated 14th January 2014 (included in Binder 2 appendix 10), and within their submission to Planning Committee (as set out in the Addendum committee report) and verbally in the presentation to committee.

10.1.3 Whilst third party criticism of the scheme regarding development on the site, open space and nature conservation policies were raised, these matters have previously been resolved by both Planning Inspectors for the 16 unit scheme and the previous frontage scheme.

10.1.4 With regards to detailed design, GARA state in their letter of 14th January 2014 - section B

- *We note that the height has not reduced (compared to the previous application, 2012/0521/P) but the apparent bulk has been slightly reduced through the more extensive use of mansards. We note an improvement in the arrangement of bays and more care in the selection and deployment of most façade materials, such as some subtle horizontal and vertical brickwork reliefs.*
- *We note, positively, that the car lift has been lowered - the applicant asserts that views over it to the tree belt at the eastern end of the site and long views to Hampstead are visible from pavement level, although this not supported by detailed sections or a Verified Virtual Image.*
- *The applicant has identified to us that the proposed design includes soft landscaping to the front of the development (bushes etc.); and that it will not be possible for children or adults to access the rear Open Space via the basement car park (or by other means), there being secure railings and two doors – one through the locked maintenance and storage locker and one to provide an alarmed emergency fire exit. We would seek confirmation of these positive points through clarification of the submitted designs.*

10.1.5 The key concern GARA had regarding the detailed design was the enclosed glass wintergardens.

- *There is considerable resident concern and distaste over the insertion of enclosed glass balconies / 'wintergardens'. These are uncontextual and cumbersome. The enclosed glass balconies face west and will*

overheat. Overheating is a facet that Regulation Part L requires to be designed out, but here it is designed in. It is highly likely that these enclosed balconies will be used by residents for storage, which will be unsightly and not match the architect's vision. This will have a direct impact on the appearance from the street and from houses opposite. In relation to the submitted design, this is probably the single area of greatest concern for local residents. The glasswork should be redesigned or removed – it appears to us that deploying brickwork from floor to waist height, particularly on the 1st floor 'wintergardens', would significantly address this issue and better match the local environment. GARA is happy to engage with the applicant to find an improved solution.

10.1.6 The Council asked the Appellant to respond to the matter of the winter gardens on the front elevation. An email was sent to the case officer on 7th February 2014 (binder 2 appendix 8).

10.1.7 In summary :

10.1.8 In response to GARA's questions on security we confirm that there will be soft landscaping and railings as shown on the CGI and elevations and access to the rear of the site will not be possible unless arranged with the managing trust. Please also see 4.14 of the design and access statement which highlights where the design has incorporated security advice received from the Architectural Police Liaison Officer. There will be no access from the development to the rear part of the site except through a managed maintenance door at car park level -2.

10.1.9 In relation to the design concern regards the contemporary bay winter gardens::

- *We believe the design is contextual, albeit in a contemporary manner. This is illustrated in the design and access statement pages 31-33. The contemporary bay responds to context in terms of its verticality, roof set back, horizontal banding and the aspiration to create 180 degree views. Further more the plan form has been derived from the plan of the Chase Mansions bay.*
- *The design is not 'cumbersome'. The glazing of the winter garden is transparent and allows views through. The street and detailed CGI's clearly illustrate this on pages 70-73 and 75-76 of the Design and Access Statement. The single glazed, transparent nature of the winter garden will actually lighten the facades appearance. The suggestion that the brickwork could be deployed from waist height will only serve to make the bays more dominating on the street scene and appears contradictory to the preference for a less 'cumbersome' feature.*
- *Overheating is something that is considered in all RJA designs. The performance of the glazing, background ventilation and rapid ventilation are all technical criteria that are considered in the design. The proportion and height of the overall glazing within the contemporary bay is not dissimilar to the traditional bays at Chase Mansions and therefore should not warrant concern. Any risks are further reduced by the significant improvements in glazing performances since Victorian times. We do not consider overheating to be an issue.*
- *The concerns regards the use of the winter garden as storage is in our view not justified. The double glazed full height doors that open up onto the winter gardens are the primary source of light to what is normally the living room or primary bedroom window. They are not secondary. A resident is unlikely to want to reduce their outlook through their primary light source. The residential units are all compliant or in excess of the councils spatial standards and will have significant storage space within the unit. Bike storage is also provided within the development so we would not foresee this becoming a store for bikes. As the size of the glazing is not dissimilar*

to the chase mansion block bay windows we believe the risk of the winter gardens being used for storage is no more of an issue in the proposed development than the immediate context either side.

- *Also included was a photograph of Chase Mansions where net curtains are employed to detract or shield views. This is the essentially the common theme in the local context and illustrates that this is a social and lifestyle choice, not a design driven item.*
- *On previous schemes where the landlord has had concerns over views into apartments RJA have employed a subtle fritted pattern or obscured element of glazing to restrict views in. Should this remain an issue to residents or the Inspector the Appellant will support specific options to detract the eye or shield the viewers eye from street level with an obscured band. This could be dealt with via a suitably worded condition requiring details of the glazing/winter gardens.*

10.1.10 The Appellant wishes to provide the Inspector with the following further information to consider in response to GARAs concerns. The balcony and winter garden details were submitted to the Council prior to the application being considered at Planning Committee.

10.1.11 This was submitted to officers and proposed by the Appellant that any amendments to the transparency of the glazing to the winter gardens and glazed balconies could be agreed via a suitably worded condition if considered necessary. These alternate window details are included in the appeal submission for the Inspectors attention.

10.1.12 The Appellant would support if deemed necessary a condition such as:

- *Details of screening to the glazed balconies and winter gardens fronting Gondar Gardens shall be submitted to the Local Planning Authority and agreed in writing by the Council. The approved details must be implemented as part of the approved development and retained as such unless otherwise agreed in writing with the Council.*

10.2 Management of the Open Space

10.2.1 The rear of the site beyond the residential development will be landscaped for open space and nature conservation. The Appellant has approached the London Wildlife Trust to manage this area in the future.

10.2.2 A copy of the letter confirming the London Wildlife Trusts Commitment is included at appendix SC12 and confirms

- *The Trust offers support for the current proposals on the condition that key biodiversity features of interest on site are effectively addressed during site preparations and construction. These include the translocation of slow-worms (a species listed on Schedule 5 of the Wildlife & Countryside Act 1981) and yellow meadow-ant nests that are found on the current reservoir cap. We propose that an appropriate site management strategy is drawn up by Linden Homes and Wates Developments, with our involvement, to help set out the process for achieving this.*
- *Subject to this we also offer a firm commitment to the long-term management and use of this site as a new nature reserve. To achieve this in collaboration with the local community, we will establish a Friends Group for Gondar Gardens. This will offer an opportunity for local residents to get involved and assist LWT in conserving the site's ecological and landscape interests for future generations. We anticipate that at least one member of the Gondar Gardens Residents Association will sit on this group*

- *Local people will also be welcome to get involved in our volunteering programmes and we plan to deliver a range of informative and educational event on the site throughout the year which will provide the opportunity for local people to learn more about the site and the wildlife on their door steps.*

11.0 Summary and Conclusion

11.1.1 The Case for the Appellant is this proposal fully addresses the requirements of national, regional and local policies which make up the development plan for the area and satisfies all the relevant criteria.

11.1.2 The proposal accords with the aspirations and aims of planning policy and seek to address site specific matters positively and in the spirit of the development plan.

11.1.3 The scheme delivers a scheme that will

- provide private and affordable housing on the site (including wheelchair homes)
- delivers a sustainable development in a sustainable location
- meets the Council's housing design standards with regards to size of units, residential amenity space, acoustic performance, outlook and car parking provision
- it will retain the vast amount of Open Space on the site
- support the transfer of the open space to a wildlife body and fund the long term future of the site for wildlife
- delivers planning mitigation via a unilateral undertaking to overcome the concerns of the Council for reasons 2-12,
 - secures Affordable Housing on site and financial contribution
 - secures – Car-capped housing
 - secures – Contribution to educational infrastructure
 - secures – Contribution to public open space
 - secures – Contribution to community facilities
 - secures – a demolition and construction management plan
 - secures - an ecology and habitat plan;
 - Secures – local labour and procurement of local employment and business opportunities
 - Secures - associated highways works adjacent to the site
 - Secures –financial contributions towards pedestrian and environmental improvements in the area
 - Secures - the incorporation of environmental sustainability measures
 - Secures - fully fitted wheelchair accessible affordable housing

11.1.4 The scheme has been developed to respond positively to the comments of the Inspector. It should be noted that the NPPF is specific and does not seek planning policies and decisions to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It does however seek to promote or reinforce local distinctiveness.

11.1.5 Policy CS14 and DP24, seeks high quality places and quality design which respect local context and character.. The Appellant has responded proactively to the requirements of the Inspector and delivered a scheme that was supported by Officers and in their report to committee,

- **The proposed development represents a contemporary version of the predominant building type found both on Gondar Gardens but also the wider area. The character of the area is derived from groups of buildings built at different times but which share key features such as vertical emphasis and a high level of articulation. This contemporary design is in keeping with the character and it is appropriate that this scheme uses modern detailing and materials as an honest expression of its age. The previous detailed design related refusal reason has been overcome along with the specific criticisms outlined by the Inspector. The proposal therefore accords with policies CS14 and DP24 (our bold).**

11.1.6 The Appellant's architect responded positively the detailed design criticisms of the previous proposal. The resulting design proposal were also fully supported by Dr Chris Miele IHBC MRTPI His conclusions were:

- *Overall the character of the design has changed significantly.*
- *The Appeal scheme used contextual influences to inform the underlying geometries of a design based on a modern language of abstraction. That scheme was attractive in itself, but somewhat austere when you consider the variety, colourism and general liveliness of some of the good quality building stock in the area.*
- *Its design was, the Inspector concluded, 'contrasting', which she found harmful because of its extent.*
- *The revised scheme before the Council is very different. It draws more obviously on the local vernacular. The elevation appears more solid. It has variety and picturesque qualities (contrasting materials, projecting elements, a lively pitched roofscape) which do obviously relate to the sort of late Victorian and Edwardian housing design one finds in this part of North London.*
- *In that process the character of expression has changed to one that I would call 'contemporary contextualism', modern but respectful. It is also, I think, an elegant and balanced design, and so one of high quality.*
- *For these reasons, I conclude the Inspector's concerns have been addressed satisfactorily and in full. This is not surprising because the design is the work of a very experienced architect who set out, expressly, to answer her detailed points.*

11.2 The Future of the Site

- 11.2.1 The realisation and completion of this scheme will enable the long term future of the site to be secured, providing new housing (both private and affordable on the site) and ensuring the long-term protection and improvement for the vast majority of the site for ecology and bio-diversity.
- 11.2.2 The Appellant has responded positively to concerns of the Inspector, the Council and local stakeholders. The proposal delivers a sustainable high quality housing development respecting the townscape of the local distinctiveness of the area.
- 11.2.3 It is therefore respectfully requested on behalf of the Appellant that the Inspector supports the arguments presented and allows the Appeal.