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| Delegated Report | | Analysis sheet | | Expiry Date: | | 17.02.2014 | |
| (Members Briefing) | | N/A / attached | | Consultation Expiry Date: | | 30.1.14 | |
| Officer | | | | Application Number(s) | | | |
| Charles Thuaire | | | | 2013/8020/P | | | |
| Application Address | | | | Drawing Numbers | | | |
| 23A Hampstead Hill Gardens London NW3 2PJ | | | | See decision notice | | | |
| PO 3/4 | | Area Team Signature | | C&UD | | Authorised Officer Signature | |
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| Proposal(s) | | | | | | | |
| Demolition of existing dwelling house and erection of a new 3 storey dwellinghouse with lower ground floor rear extension, ground and 1 st floor roof terraces, plus forecourt parking, lightwell and new boundary enclosure at the front. | | | | | | | |
| Recommendation(s): | | Grant permission subject to Deed of Variation on S106 | | | | | |
| Application Type: | | Full Planning Permission | | | | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | | |
| Consultations | | | | | | | |
| Adjoining Occupiers: | | No. notified | 26 | No. of responses | 07 | No. of objections | 07 |
| Summary of consultation responses: | | <p>site notice expired 20.1.14 and press advert expired 30.1.14</p> <p>6 objections from neighbours in flats of 23 Hampstead Hill Gardens, 1 objection from resident outside Camden- (<i>officer comments in italics</i>)</p> <ul style="list-style-type: none"> - 3 storey scheme, not 2 storey house; no elevation facing no.23; <i>plan provided online</i> - Pastiche design clashes with 23, disappointing not to have contemporary solution; <i>similar design idiom to approval- see para 2.3</i> - Rear extension and elevated roof terrace above cause loss of amenity to windows and garden of 23- loss of daylight, sunlight, privacy, openness, outlook, noise intrusion, enclosure from boundary wall; <i>see paras 2.9 and 2.10</i> - Loss of property value; <i>not planning issue</i> - Should be restricted to existing building envelope as existing house | | | | | |

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| | <p>already projects further than others in terrace; increased footprint out of keeping; <i>see para 2.6</i></p> <ul style="list-style-type: none"> - Increased height affects light and outlook to top flat side windows, view lost by blank roof (current house is below eaves of 23); unclear on possible access to roof with hatch, dishes, aerials etc; height must not exceed that of 23's parapet; <i>see para 2.8</i> - Poor quality plans do not enable assessment of changes from approved scheme, not all plans online; <i>all existing, approved and proposed plans placed online after Christmas break</i> - Detailed comments on accuracy of plans re heights and interface with 23; <i>plans corrected to take account of this</i> - Should be gap between both houses to maintain character of area and street; <i>replicates existing situation of no gap</i> - How does it affect shared access to 23? no ref to passageway here, should have same width and be appropriately paved and drained; access should not be affected by construction; proposed hedge will impede access on path to 23; <i>plan no different from approved scheme, access unaffected</i> - Design acceptable; - Object to terrace -whole roof of rear extension should be green and non-accessible; - To mitigate impact of rear terrace and extension, garden fence should be replaced by wall and privacy screens installed on both sides of terrace, not just adjoining 25; <i>see para 2.10</i> - Possible access on flat green roof -only south half of extension is allowable or a condition preventing access to green roof; <i>condition will be attached to prevent access</i> - Boiler flues should be on south side, not facing 23; <i>not planning issue</i> |
| <p>CAAC/Local groups* comments: *Please Specify</p> | <p><u>Hampstead CAAC</u> object- no location plan; need to be satisfied that rear terraces do not overlook neighbours; rear building line exceeded; garden take up excessive; if rear basement extension has consent- unfortunate; if not, please refuse. <i>Officer note- all plans available online; no harmful overlooking- see para 2.9; rear extension considered reasonable in size- see para 2.6; lower ground floor less deep than approved scheme (ie. now matches floor level of existing building), but has new rear extension- see paras 2.1 & 2.6.</i></p> <p><u>Heath and Hampstead Society</u> do not object, now they have seen plans online.</p> |

Site Description

1.1 The appeal site contains a 2-3 storey building attached to 23 Hampstead Hill Gardens and designed as a side extension in 1970's (see history below). Its design is very plain with flat roof, red brick walls and simple square windows. It accommodates a maisonette on ground and 1st floors plus 2 garages on basement level accessed from the rear via a side concrete driveway which slopes downhill to the back of the site. The front garden is paved with a high boundary wall; the rear garden has a concreted forecourt at rear of garages and a paved garden behind this.

1.2 No.23 attached to its left side is converted into several flats (one each on basement, ground, 1st and 2nd floors) and is of a Queen Anne design with pitched roof and red brick; no.25 to the right side in contrast has a classical design with stuccoed walls and parapets. This property has a large

side garden adjoining the application site containing a mature cherry tree which has been recently made subject of a TPO. The site lies above a railway tunnel.

1.3 The site lies within Hampstead conservation area and within Sub-Area Three as defined in the Conservation Area Statement (CAS). No.23 is identified as making a positive contribution to the character of the Conservation Area, although the CAS is unclear whether this includes no.23a, and it is unlikely that the intention was to include this particular property within this designation, given its neutral nature and quality.

Relevant History

13.9.07- pp and cac refused for demolition and erection of a replacement 2 storey dwellinghouse with 2 basement levels, plus forecourt parking, lightwell and new boundary enclosure at front, plus projecting balconies and lightwell at rear;

refused for 3 reasons: inappropriate design and form and materials of new house and harm to the appearance of the streetscene and conservation area; inadequate landscaping potential of the open land and lack of biodiversity value; harm to and potential loss of the adjoining cherry tree.

8.4.08- pp and cac refused for demolition of existing building and erection of a replacement 2 storey dwellinghouse with 2 basement levels, plus forecourt parking, lightwell and new boundary enclosure at front, plus projecting balconies and lightwell at rear.

17.6.08- Appeals dismissed against above refusals, on grounds of inappropriate design and form of new building and loss of outlook to neighbouring top floor flat.

29.3.12- (refs 2011/2956/P and 3573/C) pp and cac granted subject to S106 for demolition of entire house and erection of a replacement 2 storey dwellinghouse with enlarged lower ground level, plus forecourt parking, front lightwell and new boundary enclosure at front, and projecting balconies at rear.

Relevant policies

LDF Core Strategy and Development Policies

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS6 - Providing quality homes

CS11 - Promoting sustainable and efficient travel

CS13 - Tackling climate change

CS14 - Promoting high quality places and conserving our heritage

CS15 - Protecting and improving open spaces & encouraging biodiversity

CS18 - Dealing with waste

CS19 - Delivering and monitoring the Core Strategy

DP2 - Making full use of Camden's capacity for housing

DP6 - Lifetime homes and wheelchair homes

DP17 - Walking, cycling and public transport

DP18 - Parking standards and the availability of car parking

DP19 - Managing the impact of parking

DP21 - Development connecting to highway network

DP22 - Sustainable construction

DP23 - Water

DP24 - Securing high quality design

DP25 - Conserving Camden's heritage

DP26 - Managing the impact of development on occupiers and neighbours

DP27 - Basements and lightwells

Assessment

1. Proposal-

1.1 This scheme is effectively a variation to the approved scheme granted permission in 2012 which has proved unattractive to potential buyers, apparently on account of its small overall size and inadequate front parking space. At pre-application stage, additional accommodation was also proposed as a roof extension but this was deemed unacceptable in principle and detail by officers. In brief, the revised scheme retains the overall design concept and size of the approved house but it changes details of the front elevation, enlarges the front parking forecourt, and adds a large rear extension on lower ground floor and smaller one at ground floor plus roof terraces at both levels. In addition, the scheme now retains the existing foundation slab rather than excavating below it to provide the lower ground floor, on account of reducing costs, which results in a higher floor levels, rear extension and parapet.

Revisions-

1.2 Accessible bathrooms at ground and 1st floors; revised window arch and door details; swapped refuse and cycle stores; rear extension reduced in depth by 1m; parapet heights adjusted to omit step between front and rear.

1.3 The key differences from the approved scheme are as follows-

- lower ground floor now at same level as existing lower floor slab;
- slightly lower pitched roof behind parapets;
- parapet height slightly raised all round by 100mm;
- front elevation revised with larger windows at 1st floor, omission of front balcony, arched ground floor replaced by windows, entrance door set back into new recessed lobby;
- larger carparking space with space behind to provide access to entrance door;
- cycle parking next to refuse store;
- side elevation has different window pattern;
- garden staircase access via steps from existing passageway between 23 and 23a now omitted and replaced by infill (ie. as existing);
- rear elevation wider at LG floor as result of infill;
- addition of full width, 4m deep and 3m high LG floor rear extension (36sqm) with half width roof terrace above (4.5m wide, 2.5m deep) on side adjoining no.25, green roof on other side and spiral staircase to garden;
- replacement of approved projecting ground and 1st floor balconies by ground floor rear extension with 1st floor balcony above at same size as before (4.5m wide, 1.5m deep).

2. Issues-

Land use-

2.1 The principle of a replacement 5 bedroom dwelling house here has been previously accepted. The revised internal layout now meets Lifetime Home standards. The house meets sustainability targets as before and revised Code for Sustainable Homes and energy statements confirm that the house will still meet Code level 4 at 68% and its subtargets of 50% for energy, materials and water, will have a 27% reduction in CO2 emissions and will use SUDS and ground source heat pumps. No excavation is now proposed due to the retention of the existing foundation slab thus the engineers have confirmed that no Basement Impact Assessment is now required compared to the previous scheme. This has the advantage of minimising disruption to neighbours during the construction programme.

There are no changes in policy context or site circumstances since the last permission as the LDF and CPG have not changed since.

Transport-

2.2 The revised forecourt with a larger carspace and inset lobby behind now provides adequate space for both a large car and unimpeded pedestrian access to the entrance door. The side passage to no.23 will remain as existing. The house will be car-capped as before, secured by S106. In addition to the approved refuse store, a new cycle stand for 2 spaces will be provided next to it in the front garden which is acceptable in location and size. A CMP will be required as before for the demolition and construction phases, secured by S106.

Design-

2.3 The principle of demolition and replacement by a higher and wider house in a pastiche design has been accepted here. The conservation area consent from 2012 is still valid and thus no further application has been made to renew this consent.

2.4 The latest increase in perimeter parapet height by 100mm is minimal and barely noticeable in the streetscene; in particular the parapet will continue to be below the top of the adjoining eaves at no.23 to retain the new house's subservience in character and size to the established houses in this street. The pitched roof behind is also lowered by 100mm and will now not be noticeable in streetscene. The amended front facade design retains the current subservient relationship to no.23 and uses a similar range of materials. The language preserves and indeed positively enhances the character and setting of the local town streetscape and conservation area setting compared to the existing squat modern dwelling on the site.

2.5 The rear infill in place of the approved staircase at lower ground floor is acceptable and replicates the existing situation here where the house abuts no.23 at all levels with no visual gap between the two. The new ground floor extension and 1st floor balcony are the same size and projection as the approved pair of balconies here and do not add any appreciable further bulk at this point, either from the rear or side and street views across the neighbouring side garden of no.25.

2.6 The new lower ground floor rear extension beyond the main house (and beyond the existing rear façade) is acceptable in bulk, height and footprint- it retains adequate garden space at rear (two thirds of the existing 12m long garden is retained) and only builds over a concrete parking area; it respects the proportions of the new house's elevation; it is set back from the side garden boundary with no.23; it is not significantly larger in projection than other rear extensions existing further north along this street (eg. 3m long extensions at 21, 3.5m long extension at no.17 approved in 2007). Moreover it is equivalent to a 4m long extension that could be built as permitted development for the existing house here. It will not be visible from the public realm (being masked behind an evergreen tree in views across the side garden to no.25) and will not harm the character of the conservation area.

Landscape-

2.7 The new extension will have a green roof over half of it which is welcomed, details to be reserved by condition. The rear garden will be planted with soft landscaping which will enhance the current poor quality and low biodiversity of the existing garden here; the front garden will have a hedge enclosure at front and side around the lightwell as before. As with the previous approval, the adjoining cherry tree (protected by TPO) in the side garden of no.25 has to be moved to enable construction and its replacement will be secured by S106 as before.

Amenity-

2.8 The minimal increase in parapet height on the side wall will have no impact on the side windows in

the flank wall of 23 compared to the approved situation, whereas the overall roof ridge height will be lowered so that there will be a slight improvement in outlook to the top floor side windows.

2.9 The infill at rear will replicate the current projection of the existing house so there would be no further impact on neighbour amenity. The rear extension beyond this will be set back by 1.7m from the garden boundary fence due to a kink in this boundary line and will project 1m above a notional 2m high fence or wall that could be built here as permitted development (noting that the current dilapidated low timber fence will be probably replaced as part of this process). It is considered that the lower ground extension, by virtue of its setback, height and reduced depth of 4m, will not harm daylight, sunlight or outlook to basement level habitable room windows at the rear of 23 or to the rear garden here. It should be noted that the closest bedroom window of the basement flat at no.23 has its outlook already affected by the kinked fence and a large evergreen bush in front of it.

2.10 Due to the acute angles involved (less than 30 degrees), no overlooking from the new roof terrace should occur to rear windows at basement or ground floors of no.23. Some partial overlooking may occur into the garden but this will be at some distance (13m from the terrace's northern edge to the ground on northern side of 23's garden) and in any case the garden is already overlooked by other terraces at rear of no.21. A privacy screen on this northern side, as suggested by neighbours, is considered unwarranted and also unwelcome as it would increase the visual bulk of the extension. A condition will be attached to prevent use of the green roof for amenity purposes. To the south, no direct overlooking will take place to windows on no.25 due to acute angles involved and screening by a mature evergreen tree, but it is recommended as precautionary measure (if the tree is removed) that a 1.8m privacy screen is installed on the south side of the ground floor terrace to prevent garden views and nuisance, as the terrace literally abuts the side garden boundary. The smaller 1st floor terrace replicates that of the approved scheme and, as before, no screening is considered necessary here on either side of this.

Community Infrastructure Levy-

2.11 Unlike the previous scheme which was approved prior to the Mayor's CIL being introduced in April 2012, this new scheme is now liable. The cost for this new house, based on an uplift of new floorspace of 111sqm x £50, would be £5550 and an informative will be attached to remind the applicant of this.

3. Recommendations-

3.1 It is proposed that the permission is subject to conditions as before plus some additional ones (such as details of green roof), and also subject to a Deed of Variation to amend the previous S106.

3.2 These S106 clauses are-

a) no development to take place until the cherry tree at 25 Hampstead Hill Gardens has been replaced by a new semi-mature bird cherry tree (*Prunus Padus*) of at least 18-20 cm girth planted on this land and subsequently maintained in accordance with the details on the submitted draft Unilateral Undertaking;

b) car-capped housing;

c) contribution to footway reconstruction (£4718);

d) Demolition and Construction Management Plan;

e) post-construction review to meet anticipated targets

DISCLAIMER

Decision route to be decided by nominated members on 17th March 2014. For further information please go to www.camden.gov.uk and search for 'members briefing'.