



## PLANNING STATEMENT

**1 CUMBERLAND PLACE,  
LONDON, NW1 4NA**

Date: November 2014

Ref: 9140

**Dalton Warner Davis LLP**

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### APPENDIX 1 – PRE-APPLICATION ADVICE JULY 2013

### APPENDIX 2 – CONSERVATION AND URBAN DESIGN OFFICER COMMENTS ON APPLICATION 2013/4750/P

Revision	Purpose Description	Originated	Checked	Reviewed	Authorised	Date
1	Draft	MD	EP			13.10.2014
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## 1.0 INTRODUCTION

1.1 Dalton Warner Davis LLP have been instructed by Mr. Samer Al-Hizami, to submit this planning application on his behalf to the London Borough of Camden, in respect of:

*“Re-design of the existing roof garden above the single storey section of the house, removing the existing raised planters, pergolas, water feature and planters with trees and shrub planting. Providing in their place a curved Portland Stone clad raised water feature with seat and fountains, a water trough and shallow mirror pool with infinity edge, stepped lawn, planters, ornamental tree and cypresses, hedging and herbaceous planting.*

*Re-paving the lower garden with matching stone to the higher garden, including a similar stone clad long “L” shaped seat and evergreen hedging”.*

1.2 In addition to this Planning Statement the application comprises the following documents required for validation:

- Application Form, Certificate A and Agricultural Holdings Certificate;
- Design and Access Statement including Photographs prepared by Thomas Hoblyn;
- Schedule of works prepared by Thomas Hoblyn;
- Heritage Statement and Impact Assessment prepared by W.H.H. Van Sickle

1.3 The following plans and drawings have also been submitted with this application:

- Site Location Plan DWD/01
- Site Plan ref. HIZ.6.0.08 Rev A
- Landscape Masterplan ref. HIZ.6.0.01 Rev B
- Clearance Plan ref. HIZ.6.0.06
- Existing and Proposed Levels Plan ref. HIZ.6.0.13 Rev A and ref. HIZ.6.0.03 Rev B
- Overlay Plan (Existing and Proposed) ref. HIZ.6.0.02 Rev A
- Tree Protection Plan ref. HIZ.6.0.07
- Proposed views from above ref. HIZ.6.0.10 and ref. HIZ.6.0.11
- Existing and proposed view from Chester Terrace ref. HIZ.6.0.09 and ref. HIZ.6.0.12
- Existing and proposed view from Regent’s Park ref. ref. HIZ.6.0.14 and ref. HIZ.6.0.15
- Existing and Proposed Sections ref. HIZ.6.0.04 Rev A, ref. HIZ.6.0.05 and ref. HIZ.6.0.18
- Overlay Sections showing previous design proposal and current proposal ref. HIZ.6.0.16, ref. HIZ.6.0.17 and ref. HIZ.6.0.19

## 2.0 SITE AND SURROUNDINGS

2.1 The roof garden and interior courtyard is approximately 0.022 Hectares, located to the south of 1 Cumberland Place. The site is located in the London Borough of Camden, within the Regent's Park ward.

2.2 The site is located on the corner of Cumberland Place and Chester Place, located adjacent to the Outer Circle ring road.

2.3 Cumberland Place is part of a row of 4 houses giving the impression of 1 large house. The 4 buildings are Grade I Listed (listing no. TQ2872482949), and the listing description from 1999 states:

*"Block of 4 houses giving impression of 1 large house. c1828. By John Nash and possibly J Thomson. Stucco with brick rear elevation. Slated mansard roof with dormers.*

*EXTERIOR: symmetrical block with main elevation to Regent's Park but entrances on rear to Cumberland Place. 4 storeys, attics and basements. 7 window range. Returns with 3 windows and projecting semicircular bays rising to main cornice. Main elevation with projecting end bays and central projecting tetrastyle pedimented Corinthian portico, columns rising through 1st and 2nd floors, ground floor forming a podium. Corinthian pilasters to other bays, paired at projecting bays, supporting the main entablature with projecting cornice at 3rd floor level. Recessed sashes to ground, 2nd and 3rd floors. 1st floor with casements and cast-iron balconies. Cornice and blocking course above 3rd floor. Rear elevation with projecting end bays of 3 windows each, mostly blind. Entrances in projecting stucco porticoes with pilasters carrying entablature and blocking course; fanlights and panelled doors. Nos 2 & 3 with attached cast-iron railings to areas and steps flanking entrances.*

*INTERIORS: not inspected. SUBSIDIARY FEATURES: attached stone balustrades and plain wrought-iron geometrical railings on low wall to garden forecourt. (Survey of London: Vol. XIX, Old St Pancras and Kentish Town (St Pancras II): London: -1938: 118)."*

2.4 The Communal garden shared by the 4 buildings faces the direction of Regent's Park and leads down to the Outer Circle road. The private roof garden of 1 Cumberland Place has an entrance from the communal Garden. Existing access to the lower garden/ courtyard is via either a door leading from the basement of the property or a gate leading from Cumberland Place.

2.5 The private roof garden is located on the roof of a single storey basement extension, granted planning consent in 1991 (ref. 90/03513 and 90/70494). The existing landscape arrangement was granted consent in 2007 (ref. 2007/0273/P and 2007/0275/P).

2.6 The site falls within The Regent's Park Conservation Area. It is located between the designated Metropolitan Open Land Area of Regent's Park and areas designated as Open Space, located to the North and South of the site following the Outer Circle Road.

- 2.7 The Regent's Park Conservation Area and Management Strategy Appraisal, adopted by the London Borough of Camden in 2011 describes Cumberland Place as:

*"Located between Chester Terrace and Cumberland Terrace, this short terrace of four houses within a seven-bay frontage faces the park, with a Corinthian portico at first floor level, but has entrances at the rear facing onto Chester Place. The space formed between Cumberland Place, Chester Terrace and Chester Place is a complex arrangement. The levels slope down from the Outer Circle towards Albany Street. Cumberland Place is elevated while Chester Place is set down at the lower level of Albany Street. This is used to effect, to emphasise the grandeur of the Cumberland Place houses. The prominent bay on the south elevation of Cumberland Place terminates the view along Chester Terrace through its northern triumphal arch. The spire of St George's Cathedral (formerly Christ Church) is glimpsed in the gap between Chester Terrace and Place".*

- 2.8 The Regent's Park Conservation Area and Management Strategy Appraisal (2011) goes on to describe the surrounding area:

*"The significance of the Regent's Park area is of national and international importance. The comprehensive master planning of the park, terraces, villas and the (largely redeveloped, but still appreciable in plan form) working market and service area served by canal to the east was on an unprecedented scale of urban design in London. The integration of all elements of a living area, from aristocrat to worker, from decorative to utilitarian, in a single coherent scheme were exhibited here.*

*On approaching the conservation area from the Park the terraces emerge over the trees; here is the city in the country. On approaching from the south Regent's Park is the culmination of Regent's Street, Portland Place and the wineglass shape of Park Square; here is the country in the city".*

### 3.0 PLANNING HISTORY

3.1 An online search of the Planning History dating back to 1999 of the site has given the following results:

REF.	DESCRIPTION	DATE	DECISION	ADDRESS
2013/6008/L	Re-design of the existing roof garden above the single storey section of the house, removing the existing raised planters, pergolas, water feature and planters with trees and shrub planting, and providing in their place an enlarged shallow reflective pool with stone walkway, stone clad raised curved water feature with fountains and seating, raised stone clad planters, stepped lawn, evergreen tiered hedging to enclose, and tree and herbaceous planting. (Listed Building Consent )	(Registered) 23-09-2013	Withdrawn	1 Cumberland Place London NW1 4NA
2013/4750/P	Re-design of the existing roof garden above the single storey section of the house, removing the existing raised planters, pergolas, water feature and planters with trees and shrub planting, and providing in their place an enlarged shallow reflective pool with stone walkway, stone clad raised curved water feature with fountains and seating, raised stone clad planters, stepped lawn, evergreen tiered hedging to enclose, and tree and herbaceous planting.	(Registered) 06-08-2013	Withdrawn	1 Cumberland Place London NW1 4NA
2007/2977/L	Details of stone samples pursuant to condition 2 of listed building consent dated 11/06/07. (Listed Building Consent )	22-06-2007	Granted	1 Cumberland Place London NW1 4NA
2007/0275/L	Remedial works to existing courtyard garden at ground floor level in connection with leaking roof structure, installation of a new tanking system and re-landscaping of garden area to single family dwelling house (C3). (Listed Building Consent )	26-04-2007	Granted	1 Cumberland Place London NW1 4NA
2007/0273/P	Erection of 2m high garden arbor (Timber archway) to side garden of single family dwelling house (Use Class C3).	26-04-2007	Granted	1 Cumberland Place London NW1 4NA
2006/4715/L	Removal of existing fireplaces to two rooms and installation of new marble fireplaces. (Listed Building Consent )	18-10-2006	Granted	1 Cumberland Place London NW1 4NA
2006/1715/L	Structural alterations and repairs to second floor partition between bathroom and landing and reinstatement of existing finishes. (Listed Building Consent )	08-05-2006	Granted	1 Cumberland Place Regents Park London NW1 4NA

3.2 Other relevant Planning History from Cumberland Place include:

REF.	DESCRIPTION	DATE	DECISION	ADDRESS
2011/0030/T	SIDE GARDEN: 6 x Robinia - Reduce by 25%.	04-01-2011	No Objection to Works to Tree(s) in CA	4 Cumberland Place London NW1 4NA
2008/5037/T	SIDE GARDEN: 5 x Robinia - Reduce by 20% & deadwood.	28-10-2008	No Objection to Works to Tree(s) in CA	4 Cumberland Place London NW1 4NA
2008/4489/T	WITHIN GARDEN, ALONG Nos 1 - 4 CUMBERLAND PLACE: 1 x Hawthorn & 1 x Cherry - Fell to ground level & grind stump. 2 x Crab Apple & 1 x Cherry - Crown lift over road by 2m & GMS1 (Remove deadwood, stubs, and broken or crossing branches. Remove epicormic growth and basal /roots suckers. Raise canopies to statutory height over carriageways and pedestrian areas- as applicable. Reduce from properties, street furniture, telephone and electricity cables etc. to give 2-3m clearance as applicable). 1 x Laburnum & 1 x Purple Leaf Plum - Crown lift to 2m & GMS1. 1 x Purple Leaf Plum - GMS1, prune to clear building by 2m & crown lift to 2m. 1 x London Plane - GMS1 & crown lift to 6m. 1 x Tree of Heaven - Crown reduce 30%, shape and crown lift to 4m.	18-09-2008	No Objection to Works to Tree(s) in CA	Cumberland Place, London, NW1 4NA.
TCX0006862E	Emergency works to one Plane Tree damaged by traffic.	24-01-2001	No objection to works to tree in C A	CUMBERLAND PLACE LONDON NW1 4NA

3.3 Following pre-application advice (Appendix 1) the applicant submitted a householder and a listed building consent application in 2013 (ref. 2013/6008/L and 2013/2750/P) to seek to gain consent for a scheme to redesign the garden. During the determination period the Council raised concerns regarding the proposed works and the applications were subsequently withdrawn.

3.4 Section 5 of this report provides further details of the previous scheme and Section 7 sets out how the applicant has sought to overcome these concerns in the current scheme.

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## 4.0 PROPOSAL

- 4.1 The proposal is for the re-design of the existing roof garden above the single storey section of 1 Cumberland Place. Existing raised planters, pergolas, water feature and planters with trees and shrub planting will be removed. These will be replaced with a curved Portland Stone clad raised water feature with seat and fountains, incorporating a water trough and shallow mirror pool with infinity edge, as detailed on the submitted Landscape Masterplan (ref. HIZ.6.0.01). In addition, there will be a stepped lawn, raised stone clad planters, an ornamental tree and 5 cypresses, evergreen hedging and herbaceous planting.
- 4.2 The lower courtyard, located on the eastern side of the garden is proposed to be re-paved with matching Portland Stone to the higher garden. It will include a similar stone clad long “L” shaped seat and evergreen hedging.
- 4.3 The raised water feature in the higher garden will be surrounded by 0.8m high evergreen hedges set back 0.93 m from the centre of the balustrade on the properties boundary, maintaining the existing gravel edging and integrity of the “*listed*” balustrade. The hedges are designed to a height of only 0.8m to ensure that they are in keeping with the listed balustrade and subservient to it when viewed from outside the property.
- 4.4 Further hedging and herbaceous planting is proposed to soften the evergreen hedging.
- 4.5 A raised curved stone clad planter, in similar Portland Stone as the water feature, will be located over the bay window. This will contain ‘The Rose’ sculpture which will stand on a plinth and further herbaceous planting as detailed on the submitted Landscape Plan (ref. HIZ.6.0.01). ‘The Rose’, is an existing sculpture within the garden. It is not currently permanently fixed in position and it will not be permanently fixed in the proposed scheme.
- 4.6 The five no. 1.8m Italian Cypresses will be planted within a raised curved planter and are located central to the Bay Window of the listed property. The location, height and size of the Italian Cypresses ensure that they are not overbearing from street level views from Cumberland Terrace, and are in keeping with the important historical sight lines into the site, as shown on the submitted views from Chester Terrace and Regent’s Park (ref. HIZ.6.0.12 and HIZ.6.0.15).
- 4.7 The reflective pool and water feature are designed to suit the available space within the garden, whilst maintaining the current access arrangements into the communal garden.
- 4.8 The garden proposals are designed to complement the style and classical ordering of the original design.
- 4.9 The roof garden and lower courtyard form part of the setting of the listed building, and as such permission is being sought via this application for both householder planning consent and listed building consent. The proposed scheme has been designed to ensure it is sympathetic to its location within the curtilage of the listed building and does not have a detrimental impact on the



property. The proposed planting, materials and scale of the works are in keeping with the listed property and its location within the Conservation Area.

- 4.10 For further detail of the design please see the Design and Access statement and submitted plans.

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## 5.0 PRE-APPLICATION ADVICE AND PREVIOUS SCHEME

5.1 Thomas Hoblin Garden Design received pre-application advice in relation to a previous garden re-design proposal. The Pre-application advice was received 19<sup>th</sup> July 2013 (ref. 2013/3846/PRE).

5.2 The main issues raised in the pre-advice are detailed below:

### 5.3 Principle:

- Listed building consent would be required for the proposed scheme.
- Householder planning permission would be required for much of the physical works, including: the creation of the stepped raised grass lawn, stone steps/terraces and seating areas and replacement water features.
- Landscaping of the existing garden courtyard would be acceptable in principle subject to an assessment of its design, any impact to neighbouring occupiers and/or any impact to the fabric and/or appearance and setting of the Listed Building.

### 5.4 Design and Heritage Impact:

- The pre-application advice refers to the Conservation Area (CA) Appraisal for Regent's Park which notes the positive contribution of private ornamental gardens on the perimeter of the park, which contain more exotic and colourful trees and shrubs raised to the level of the terraces to which they relate. It also highlights that the Appraisal refers to "*the prominent bay on the south elevation of Cumberland Place (the subject property), as it terminates the view along Chester Terrace through its northern triumphal arch.*"
- The advice notes that "*Manicured hedges are a well-established element of the landscape character of the area and would not of themselves detract from the appearance of the building or surrounding area*" and that "*The cypresses and cork-oak trees are ornamental and would be appropriate to the 'domestic' nature of the private garden*".
- The water feature and herbaceous planting is considered to be generally appropriate and would not be readily visible from the street or any publicly accessible space. .
- The extensive soft landscaping would contribute to a significant 'greening' of the courtyard, and reduce the total area of paving.
- The advice notes that paving within private curtilages in this area tends to be in York stone and therefore states that replacement paving should be completed in York stone.

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## 5.5 Summary:

- Overall, the advice states that the proposed landscaping scheme is considered to be good quality and would appear to adequately maintain the setting of the listed building and the character of the surrounding conservation area.

### **2013 Application for Garden Re-design (2013/4750/P and 2013/6008/L )**

- 5.6 Following the pre-application advice the applicant submitted the householder planning application in August (2013/4750/P) and a listed building in September 2013 (2013/6008/L).
- 5.7 The proposals were for a similar scheme to that which pre-application was received. During the determination period the Council raised concerns regarding some elements of the scheme, and considered that the proposal had not addressed the pre-application comments. This led to both applications being withdrawn.
- 5.8 An internal note issued during the determination period by the Conservation and Urban Design officer Antonia Powell (16<sup>th</sup> September 2013 in relation to application ref 2013/4750/P) states the main conservation concerns relating to the above application. The main reason for not supporting the design being the proposed height and permeability of the front row hedges facing South on Cumberland Place Road towards Chester Terrace and Regent's Park, and the introduction of a solid masonry wall behind the historic garden boundary balustrade.
- 5.9 The Conservation Officer noted that :
- "The scheme now appears to involve the introduction of a solid masonry wall set directly behind and standing substantially higher, than the historic garden boundary balustrade which overlooks the road and which is itself highly visible. This historic balustrade is a particularly important element in the setting and character of these very fine Grade I buildings. The proposed masonry serves to provide planting for the exceptionally high hedge. Both the masonry and the hedge are considered to exert an unacceptable level of visual harm to this highly sensitive and historic location both in terms of their appearance and the blocking of views across the open vistas which are characterful of this particular part of the Conservation area.*
- 5.10 A copy of the pre-planning application advice letter is contained within Appendix 1, and a copy of the Conservation Officers comments is contained within Appendix 2. Section 7 explains how the scheme has been revised to overcome the concerns previously raised by the Council.

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## 6.0 PLANNING POLICY

6.1 The development plan documents relevant to this Application are: the London Plan – Spatial Development Strategy for Greater London (London Plan) (July 2011); Camden Core Strategy (adopted 2010) and Camden Development Policies (adopted 2010)

6.2 Material considerations in this instance include the National Planning Policy Framework (NPPF) (2012), the Regent’s Park Conservation Area Appraisal and Management Strategy (2011) and Camden Planning Guidance (September 2014).

### National Planning Policy Framework NPPF (2012)

6.3 The NPPF states that the purpose of planning is to help achieve sustainable development. In order to fulfil the NPPF’s purpose of helping achieve sustainable development, planning must not simply be about scrutiny but must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

6.4 The NPPF sets out that development should seek to:

*“Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.*

6.5 Local planning authorities should take into account:

*“The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place”.*

6.6 The NPPF also seeks to support positive improvements in the quality of the built, natural and historic environment, as well as support improvements in people’s quality of life, including (but not limited to) improving the conditions in which people live, work, travel and take leisure as well as widening the choice of high quality homes.

6.7 The Government through the NPPF attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development and is an indivisible from good planning, and should contribute positively to making places better for people”.*

### London Plan (July 2011)

6.8 **POLICY 7.4 (LOCAL CHARACTER & DESIGN)** states that a development should have regard to the form, function, and structure of the area and street in question, and take account of the place, scale, mass and orientation of surrounding buildings. Development should also aim to improve an area’s visual or physical connection with natural features.

- 6.9 **POLICY 7.8 (HERITAGE ASSETS AND ARCHAEOLOGY)** states that London's heritage assets and historic environment, including listed buildings, should be identified, so as to utilise their positive role in place shaping. Development should also incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.
- 6.10 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate, and that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

#### Camden Core Strategy (adopted 2010)

- 6.11 **CS5 (Managing the impact of growth and development)** states that the Council will manage the impact of growth and development in Camden. It highlights the importance of protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.
- 6.12 The Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and by requiring mitigation measures where necessary.
- 6.13 **CS14 (Promoting high quality places and conserving our heritage)** states that the Council will ensure that Camden's places and buildings are attractive, safe and easy to use by requiring development of the highest standard of design that respects local context and character and by 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.
- 6.14 The Council will promote high quality landscaping and works to streets and public spaces; seek the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible as well as protect important views outside the borough and protecting important local views.

#### Camden Development Policies (adoption 2010)

- 6.15 **DP24 (Securing high quality design)** states that 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 character, setting, context and the form and scale of neighbouring buildings as well as the character and proportions of the existing building, where alterations proposed. The quality of materials to be used; the provision of visually interesting frontages at street level; existing natural features; the provision of appropriate hard and soft landscaping including boundary treatments; provision of appropriate amenity space and accessibility will also be given weight.

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- 6.16 **DP25 (Conservation Areas)** states that in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- 6.17 The Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area and preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.
- 6.18 **DP25 (Listed buildings)** states that the Council will preserve or enhance the borough's listed buildings, by preventing development that it considers would cause harm to the setting of a listed building.
- 6.19 **DP25 (Other Heritage Assets)** states that the Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.
- 6.20 **DP26 (Managing the impact of development on occupiers and neighbours)** states that the Council will protect the quality of life of occupiers and neighbours and consider visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels; noise and vibration levels; odour, fumes and dust; impacts on microclimate and the inclusion of appropriate attenuation measures when assessing applications.
- 6.21 The Council will also require developments to provide an acceptable standard of outdoor space for private or communal amenity space, wherever practical.

#### [Camden Planning Guidance \(September 2014\)](#)

- 6.22 **Design CPG1 (Balconies and terraces)** states that balconies and terraces should form an integral element in the design of elevations. The key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is to be located.
- 6.23 Consideration should be given detailed design to reduce the impact on the existing elevation; careful choice of materials and colour to match the existing elevation; possible use of setbacks to minimise overlooking; possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens without reducing daylight and sunlight or outlook; and need to avoid creating climbing opportunities for burglars.

#### [Regent's Park Conservation Area Appraisal and Management Strategy \(2011\)](#)

- 6.24 **Management of Change (Quality of Applications)** states that all applications for planning permission and conservation area consent must contain sufficient information to describe the effect on the character and appearance of the conservation area.
- 6.25 Design and Access Statements accompanying applications will be expected to specifically address the particular characteristics identified in the appraisal, including the scale and character of the repeated terraced forms and the prevailing scale, mass, roof line and rhythm

created by the historic pattern of development. High quality design and high quality execution will be required of all new development at all scales.

- 6.26 In all cases the Council will expect original architectural features and detailing to be retained, protected, refurbished in the appropriate manner, and only replaced where it can be demonstrated that they are beyond repair.
- 6.27 **Management of Change (Gardens and front boundary treatment)** states that front and rear gardens within the residential streets make an important contribution to the streetscape and character of the residential area.

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## 7.0 PLANNING ASSESSMENT

### Principle of Works

- 7.1 The proposal seeks to re-design the existing higher and lower garden of 1 Cumberland Place. The proposed scheme seeks to maintain and enhance the garden space which is an important element of the Conservation Area through the use of significant soft landscaping and greening.
- 7.2 The higher private garden is located on the roof of the single storey basement extension to 1 Cumberland Place. This element of the property was constructed in 1991 and is not described in the listing as a subsidiary feature although it is located in close proximity to the main house and the listed balustrades and is part of the curtilage of the Listed Building.
- 7.3 Householder planning consent and Listed Building consent is therefore required for the proposed works.
- 7.4 As the proposed scheme is located on the modern extension to the Listed Building it would not impact upon the fabric of the original Listed Building.
- 7.5 The Council have previously confirmed in the pre-application advice dated 19<sup>th</sup> July 2013 (Appendix 1) that landscaping of the existing garden courtyard would be acceptable in principle.

### Design

- 7.6 The proposed landscaping scheme seeks to comply with the requirements of CS14 (Promoting high quality places and conserving our heritage) and DP24 (Securing high quality design) which state that the Council will expect the highest standard of design and that development should consider character, setting, context, scale and materials.
- 7.7 Further details of the Design are contained in the submitted Design and Access Statement which explains that the design is inspired by the Renaissance gardens at the Villa Lante and Villa d'Este.
- 7.8 The scheme has been revised since the previous application in 2013 to address the Council's concerns. The previous proposal proposed a solid masonry wall behind the historic garden boundary which extended above the listed balustrade and had hedging located on it. The Conservation Officer of the previous application considered that this exerted an unacceptable level of visual harm on the historic location.
- 7.9 The current proposal therefore substantially reduces the height of this wall so that it is only 0.76m and falls below the balustrade and also reduces the height of the hedge located on the wall. As such the proposed hedge located on the wall will extend only 0.51m above the balustrade, rather than approximately 1.3m as was previously proposed. The hedging and wall is also set back 0.93m from the centre of the balustrade, rather than approximately 0.4m as was previously proposed. The submitted overlay sections demonstrate how the design has been altered and reduced in height since the previous 2013 proposal (ref. HIZ.6.0.16, ref. HIZ.6.0.17 and ref. HIZ.6.0.19). When looking into the site from Chester Terrace, Cumberland Place,



Regent's Park and neighbouring properties the proposed design therefore ensures that the proposed wall and hedging maintains the integrity of the listed balustrade, is subservient to it and maintains views across the open vistas. As required by policy DP24 (Securing high quality design), the proposed scheme is of an appropriate scale for its setting and the character of the area.

- 7.10 The proposed scheme also includes 5 Cypresses which will be 1.8m in height. These have also been substantially reduced in height from previous proposals, for Cypresses of 3.5m in height, as shown on the submitted overlay plans (ref. HIZ.6.0.16). They have been located centrally, in line with the property's bay window to frame the Listed Building rather than detracting attention away from it. The lightweight nature of the Cypresses also ensures that they do not screen the bay window on the southern elevation, as the bay window remains highly visible through the Cypresses.
- 7.11 When the applicant received pre-application advice for the previous scheme on the site the Council considered that the principle of using both hedges and cypresses in the garden was appropriate. The pre-application advice states that:
- "Manicured hedges are a well established element of the landscape character of the area and would not themselves detract from the appearance of the building or surrounding area....*
- ...The cypresses and cork-oak trees are ornamental and would be appropriate to the 'domestic' nature of the private garden."*
- 7.12 The proposed use of hedges and cypresses should therefore remain acceptable to the Council. The previous concerns regarding the height and scale has been addressed in order to ensure the design sufficiently respects the setting of the Listed Building.
- 7.13 The proposal also includes a water feature, water trough and shallow mirror pool with an infinity edge. This has been located so that it should not be readily visible from the street or any publicly accessible space. The Council previously considered the proposals for a water feature appropriate, stating in their previous pre-application advice that *"The water feature and herbaceous planting is considered to be generally appropriate"*.
- 7.14 The lower garden area will be repaved, with an 'L' shaped seat and evergreen hedging. This part of the garden is at a lower level and as such there is limited visibility to it from outside the site.
- 7.15 The overall scheme will result in significant greening of the garden through the use of hedges, plants and grass.
- 7.16 The high quality design should therefore be considered appropriate and to overcome previous concerns raised by the Council. The design ensures that views to the site, from both neighbouring properties and public vantage points, are not impacted and the scheme will not alter the fabric of the original Listed Building. The design also ensures that it does not impact

upon the communal gardens, that access to the communal gardens is maintained and that all trees and shrubs are protected as detailed on the submitted Tree Plan.

- 7.17 The submitted Schedule of Works demonstrates that the works will be undertaken so as to ensure that the original Listed Building and balustrades are not impacted. The Schedule of Works also highlight that the works will not cause harm to the single storey roof.
- 7.18 The applicant will ensure that the garden is managed and maintained so that the trees, hedging, herbaceous planting and other features are well kept, cared for and pruned. The Schedule of Works, prepared by Thomas Hoblyn, sets out the proposed management scheme for the garden. This scheme will ensure that the proposed garden continues to respect its setting within a Conservation Area and the curtilage of a Listed Building.

### Heritage

- 7.19 The subject property and its neighbouring properties at 2-4 Cumberland Place are Grade I Listed. The Listing description also refers to the stone balustrades. The Heritage Statement and Impact Assessment prepared by W.H H Van Sickle and submitted with this application provides a more detailed assessment of the proposal in relation to the heritage assets.
- 7.20 As explained above, the proposed scheme has been designed to ensure that it is sensitive to its location within a Conservation Area and within the garden of a Listed Building. The scheme includes significant greening and seeks not to detract from the existing views on and around Cumberland Place.
- 7.21 The Conservation Officer (Antonia Powell) commented on the previous application submitted for the garden re-design. She highlighted the importance of the historic balustrade in the setting and character of the Grade I Listed Buildings. The proposed scheme seeks to ensure that it does not detract from the listed balustrades by reducing the height of the wall and hedging behind the balustrades and setting it back 1m from the balustrade. The balustrade therefore remains a key feature of the southern elevation of Cumberland Place.
- 7.22 The Regent's Park Conservation Area and Management Strategy Appraisal also refers to the southern elevation of the subject property where the balustrades are located, stating that "*The prominent bay of the south elevation of Cumberland Place terminates the view along Chester Terrace through its northern triumphal arch*". As shown on the submitted photograph of the existing view from Chester Place and the proposed visual of this view the proposed scheme is sensitive to this important view and does not substantially alter the view from the existing in a way that should be considered detrimental to it. Instead it seeks to further emphasise the view through the symmetrical planting that is proposed.
- 7.23 The use of cypresses and hedges is appropriate in this location and they have been designed to be of a scale and height that overcomes previous concerns raised by the LPA. The Conservation Area and Management Strategy Appraisal notes the positive contribution that private ornamental gardens on the perimeter of the park, containing exotic and colourful trees

and shrubs raised to the level of the terraces to which they relate. The proposed scheme seeks to enhance this feature of the Conservation Area.

- 7.24 The submitted Heritage Statement also concludes that the proposed landscape scheme compliments 1 Cumberland Place and enhances the character of the Conservation Area, reinforcing the 'layered effect' of the landscape, introducing additional greenery and enhances the critically important views.
- 7.25 The proposed scheme only results in alterations to the higher garden on the roof of the single storey extension and the lower garden. No alterations to the Listed Building itself or the balustrades are proposed.
- 7.26 The proposals should therefore be considered to meet the policy requirements of DP25 (Listed Buildings) and DP25 (Conservation Areas) which seeks to preserve or enhance Listed Buildings and their settings and Conservation Areas.

#### Hard and Soft Landscaping and Materials

- 7.27 DP24 (Securing high quality design) highlights that the Council when considering proposals will assess the quality of materials to be used and will require the provision of appropriate hard and soft landscaping.
- 7.28 As is encouraged by the Council the scheme will primarily comprise of soft landscaping, through the use of hedges, cypresses and plants. The proposed landscaping will be of a high quality and will be well maintained by the applicant.
- 7.29 The scheme will result in an overall increased level of soft landscaping to that of the existing garden. The Council have previously stated in the 2013 pre-application advice that the *"increased level of soft landscaping and associated reduction in paving, the use of ornamental trees and border hedging would be encouraged"*, as is proposed.
- 7.30 The proposed hard standing will be Portland stone paving, for both the higher and lower garden. This stone is in keeping with the stone work in the surrounding area. The pre-application advice received previously stated that replacement paving should be completed in York stone, as this is considered to be the predominate paving within this area. The existing landscaped garden, however, uses Portland Stone and the Conservation Officer of the approved 2007 application (ref. 2007/0273/P and 2007/0275/L) considered the use of Portland Stone acceptable. As such the Council should consider Portland stone, which is similar in quality and appearance to York Stone, appropriate.

## 8.0 CONCLUSION

- 8.1 This application seeks to gain both Householder Planning and Listed Building Consent to re-design the higher private garden and lower garden at the rear of 1 Cumberland Place.
- 8.2 The proposed scheme has been designed to address previous concerns raised by the Council when pre-application advice was received in 2013 and during the determination period of the previous application, which was subsequently withdrawn.
- 8.3 The scheme results in an overall increase in soft landscaping. It also seeks to enhance the setting of the Listed Building and the Conservation Area through a sensitive design that is of an appropriate scale and height using appropriate hard and soft landscaping.
- 8.4 Much of the scheme will not be visible from outside of the garden itself. Notwithstanding this, the scheme has been designed to ensure all elements of the proposed garden, and in particular those that are visible, are sympathetic and in keeping with the surrounding area.
- 8.5 The proposal complies with the relevant policies in relation to design, heritage and conservation in both the Core Strategy and Development Plan. We therefore request that the Council grants the required Householder Planning and Listed Building consent.

Signed: *Dalton Warner Davis LLP*

**On behalf of Dalton Warner Davis LLP**

Date: 19<sup>th</sup> November 2014

## APPENDIX 1 – PRE-APPLICATION ADVICE JULY 2013

**Date:** 19 July 2013  
**Our Ref:** 2013/3846/PRE  
**Contact:** Paul Gardiner

**Direct Line:** 020 7974 3968

**Email:** [Paul.Gardiner@camden.gov.uk](mailto:Paul.Gardiner@camden.gov.uk)

**Development Control  
Planning Services**  
London Borough of Camden  
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Tel 020 7974 4444  
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Ms Dawn Purves  
Thomas Hoblyn Garden Design  
Mansard House  
Low Street  
Bardwell  
Bury St Edmunds  
Suffolk  
IP31 1AR

Dear Ms Purves

**Re. Planning Pre-application advice meeting ref. 2013/3846/PRE  
1 Cumberland Place  
London  
NW1 4NA**

**Re-design of the existing roof garden above the single storey section of the house, removing the existing raised planters, pergolas, water feature and planters with trees and shrub planting, and providing in there place an enlarged shallow reflective pool with stone walkway, stone clad raised curved water feature with fountains and seating, raised stone clad planters, stepped lawn, evergreen tiered hedging to enclose, and tree and herbaceous planting.**

**Details submitted: Drawing nos: IH/12/200/a (existing garden survey and site plan); HIZ.3.0.0 (Landscape masterplan); unnumbered indicative drawings entitled '1 Cumberland Place', received 17 June 2013.**

Thank you for your enquiry in relation to the site above. After viewing your pre-application submission and meeting on site, I can provide the following comments on your proposal.

Background and proposal

Nos. 1-4 Cumberland Place are Grade 1 Listed. The List description reads as follows: Block of 4 houses giving impression of 1 large house. c1828. By John Nash and possibly J Thomson. Stucco with brick rear elevation. Slated mansard roof with dormers. EXTERIOR: symmetrical block with main elevation to Regent's Park but entrances on rear to Cumberland Place. 4 storeys, attics and basements. 7 window range. Returns with 3 windows and

projecting semicircular bays rising to main cornice. Main elevation with projecting end bays and central projecting tetrastyle pedimented Corinthian portico, columns rising through 1st and 2nd floors, ground floor forming a podium. Corinthian pilasters to other bays, paired at projecting bays, supporting the main entablature with projecting cornice at 3rd floor level. Recessed sashes to ground, 2nd and 3rd floors. 1st floor with casements and cast-iron balconies.

The site also forms part of the Regent's Park Conservation Area.

The pre-application enquiry relates to the re-landscaping of the external ground floor courtyard located to the south of the existing property. The current proposal would seek to remove the existing raised planters, pergolas, water rill and planting, and replace with an enlarged shallow reflective pool with stone walkway and sculpture, stone clad raised curved water feature with fountains and seating, raised stone clad planters, stepped lawn, evergreen tiered hedging to enclose, and tree and herbaceous planting.

The existing courtyard garden is located above a single-storey basement extension granted planning permission and listed building consent in March 1991 (References: 90/03513 and 90/70494).

The existing landscape arrangement and timber archway was granted planning permission and listed building consent in June 2007 (References: 2007/0273/P and 2007/0275/L).

## Principle

As noted above, the existing basement extension and garden forecourt is a contemporary addition to the main dwelling. It is not described in the listing as a subsidiary feature, though it is located in close proximity to the main house and listed stone balustrades.

The courtyard forms part of the setting of the listed building and the proposed hard and soft landscaping works would affect its character as a building of special architectural interest. As such listed building consent would be required. Additionally, the improvement of any 'building' required for a purpose incidental to the enjoyment of a dwellinghouse under Class E of the General Permitted Development Order (amended 2008), would not be permitted development within the curtilage of a listed building. As such, householder planning permission would be required for much of the physical works, including: the creation of the stepped raised grass lawn, stone steps/terraces and seating areas and replacement water features.

Applications for planning permission and Listed Building consent should be sought pursuant to the Town and Country Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990. Further information is available on our Camden website at: <http://camden.gov.uk/planning>.

Landscaping of the existing garden courtyard would be acceptable in principle subject to an assessment of its design, any impact to neighbouring occupiers and/or any impact to the fabric and/or appearance and setting of the Listed Building.

Camden Local Development Framework – Core Strategy Policies CS5 and CS14 and Development Policies DP24, DP25 and DP26, and the Regent’s Park Conservation Area Appraisal are relevant.

## Design and Heritage Impact

The Council’s design policies are aimed at achieving the highest standard of design in all developments. The explanatory text to Development policy DP24 ‘Securing high quality design’, describes how hard landscape elements and materials play a significant role in defining the character and attractiveness of site or area and reinforce local distinctiveness. New hard and soft landscaping should be of high quality and should positively respond to its local character.

Development policy DP25 ‘Conserving Camden’s heritage’ states that the Council will not grant permission for development that it considers would cause harm to the setting of a listed building. Further, the Council will only permit development within conservation areas (CA) that preserves and enhances its character and appearance. Of particular relevance to the proposal, the Council will seek to preserve garden spaces that contribute to the character of the CA and which provide a setting for architectural heritage.

The CA appraisal for Regent’s Park notes the positive contribution of private ornamental gardens on the perimeter of the park, which contain more exotic and colourful trees and shrubs raised to the level of the terraces to which they relate. Inappropriate alterations to landscape in private gardens are seen as a significant threat to the integrity of the CA.

The private garden and landscaping of the subject building is an important element of the local character of the CA. The appraisal notes the particular importance of the prominent bay on the south elevation of Cumberland Place (the subject property), as it terminates the view along Chester Terrace through its northern triumphal arch. The appraisal guides that particular care must be taken when considering development within gardens in prominent corner sites where the visual impact may be greater.

It is noted that the proposed replacement landscaping would include a two metre high evergreen hedge set back from the stone balustrades and enclosing the courtyard. Five Italian cypressus columnar trees would be positioned in an arch replicating the shape of the bay on the main dwelling. A single cork-oak would be positioned to the east of the courtyard visible from the junction of Cumberland Place and Chester Terrace. A large sculpture ‘the call’ would be placed on a plinth within a new water feature, which may also be visible from the street.

Manicured hedges are a well-established element of the landscape character of the area and would not of themselves detract from the appearance of the building or surrounding area. However, the total height of the hedges may be excessive, screening the important views of the bay on the southern elevation of the subject building noted in the CA appraisal.



The cypressus and cork-oak trees are ornamental and would be appropriate to the 'domestic' nature of the private garden. However, further details as to the height and scale of the sculpture would be required, to satisfy the Council that it would sufficiently respect the setting of the listed building.

The water feature, and herbaceous planting is considered to be generally appropriate and would not be readily visible from the street or any publicly accessible space.

Paving within private curtilages in this area tends to be in York stone and is generally limited to entrance areas, allowing soft landscaping to predominate. For this reason the CA management plan resists any further paving over soft landscape. It is noted that the landscaping proposals would introduce a raised formal lawn and extensive soft landscaping that would contribute to a significant 'greening' of the courtyard, and reduce the total area of paving. The replacement paving should be completed in York stone.

The communal garden space to the rear of the property shared by nos. 1-4 Cumberland Place is recognised as an important element within the landscape structure of the CA, and any proposed work should ensure the continued health of the existing mature trees in this area.

In summary:

- The proposals would be located above a contemporary addition to the building and would not affect the original fabric of the listed building.
- The water feature, herbaceous planting and courtyard paving would be generally appropriate and would not be readily visible.
- The increased level of soft landscaping and associated reduction in paving, the use of ornamental trees and border hedging would be encouraged.
- Further details of the height of the proposed hedging and sculpture should be submitted as part of any future application for listed building consent or planning permission.
- Details of measures to protect existing mature trees within the communal garden should be submitted to ensure their continued health during construction.

Overall, the proposed landscaping scheme is considered to be good quality and would appear to adequately maintain the setting of the listed building and the character of the surrounding conservation area. Provided sufficient information is provided to clarify that the impact of the height of the hedges and scale of the sculpture would ensure the continued preservation of the important views of the southern elevation of the original building, the proposals would be likely to receive officer support.

A Design & Access Statement should be submitted with any application and should include an assessment of local context and character and set out how the development has been informed by it and responds to it.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable nor can it be held

to prejudice formal determination of any planning application we receive from you on this proposal.

Please note that if you (the applicant or their representative) have drafted any notes of the pre-application meeting(s) held with the council you cannot assume that these are agreed unless you have received written confirmation of this from the case officer.

If you have any queries about the above letter please do not hesitate to contact **Paul Gardiner** on **020 7974 3968**.

Thank you for using Camden's pre-application advice service.

Yours sincerely

Paul Gardiner

## **APPENDIX 2 – CONSERVATION AND URBAN DESIGN OFFICER COMMENTS ON APPLICATION 2013/4750/P**

<b>LONDON BOROUGH OF CAMDEN</b>	
<b>PLANNING</b>	
<b>CONSERVATION AND URBAN DESIGN</b>	
Proposed Development at: 1 Cumberland Place London NW1 4NA	
Proposal: Re-design of the existing roof garden above the single storey section of the house, removing the existing raised planters, pergolas, water feature and planters with trees and shrub planting, and providing in their place an enlarged shallow reflective pool with stone walkway, stone clad raised curved water feature with fountains and seating, raised stone clad planters, stepped lawn, evergreen tiered hedging to enclose, and tree and herbaceous planting.	Case No: 2013/4750/P
Case Officer: Paul Gardiner	Date: 16/09/2013

Conservation Area	Regents Park
Listed Building	I
Adjoining Listed Building	I
TPO	
Local Design Policy	

**OBSERVATIONS:**

This application concerns the re-landscaping of the private garden overlooking the southern elevation of No. 1 Cumberland Place.

The proposals were the subject of pre application advice at which time the applicants were advised that the hedges and feature sculpture were excessively large and dominant. The advice given suggested that these elements should be reduced in scale to ensure the setting of the Grade I building and its Grade I neighbours, along with the wider context of the Regent's Park Conservation Area were preserved.

In addition to the sculpture and hedging the scheme now appears to involve the introduction of a solid masonry wall set directly behind and standing substantially higher, than the historic garden boundary balustrade which overlooks the road and which is itself highly visible. This historic balustrade is a particularly important element in the setting and character of these very fine Grade I buildings. The proposed masonry serves to provide planting for the exceptionally high hedge. Both the masonry and the hedge are considered to exert an unacceptable level of visual harm to this highly sensitive and historic location both in terms of their appearance and the blocking of views across the open vistas which are characterful of this particular part of the CA>

I do not consider that the scheme has addressed the pre application comments with regard to the adverse visual impact of the hedges and the sculpture and in addition to which the

**masonry which is now proposed is also considered unacceptable and contrary to LB Camden policy. As such I am unable to support the proposal.**

The proposed wall, by reason of its materials and appearance, would harm the setting of the listed Grade I building and would be detrimental to the character and appearance of the Regents Park Conservation Area, contrary to policies CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework 2011.

<b>Negotiate</b>	
<b>Approve</b>	
<b>Refuse</b>	

Signed-----Antonia Powell----- Date---16/09/2013-----