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Planning. Design. Economics.

**No. 53 Fitzroy Park**

**Planning and Heritage Statement**

Redevelopment of No. 53 Fitzroy Park

Prepared on behalf of Mrs Esther  
Volossov

25 January 2015

13636/DG

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## 1.0 Introduction

1.1 This Planning and Heritage Statement has been prepared by Nathaniel Lichfield & Partners on behalf of Mrs Svetlana Esther Volossov, the owner of No. 53 Fitzroy Park, London. It accompanies an application for planning permission including demolition within a conservation area for the development as set out below:

*“Erection of a three storey single family dwelling including basement level, green roofs at first floor and roof level, solar panels at roof level and associated landscaping following the demolition of the existing part-two, part-three storey dwelling (Class C3).”*

1.2 This Statement identifies the site’s historic, physical, social and economic context and assesses the planning and heritage issues relating to the redevelopment of No. 53 Fitzroy Park.

1.3 The Assessment has been framed by national planning policy and guidance, namely the NPPF, as well as strategic and local planning policy and guidance.

1.4 The assessment is based on a number of site visits to the property and surrounding area. Research has also been undertaken through an analysis of planning policy, historic mapping, photographs and other secondary data sources.

## 2.0 Understanding the Context

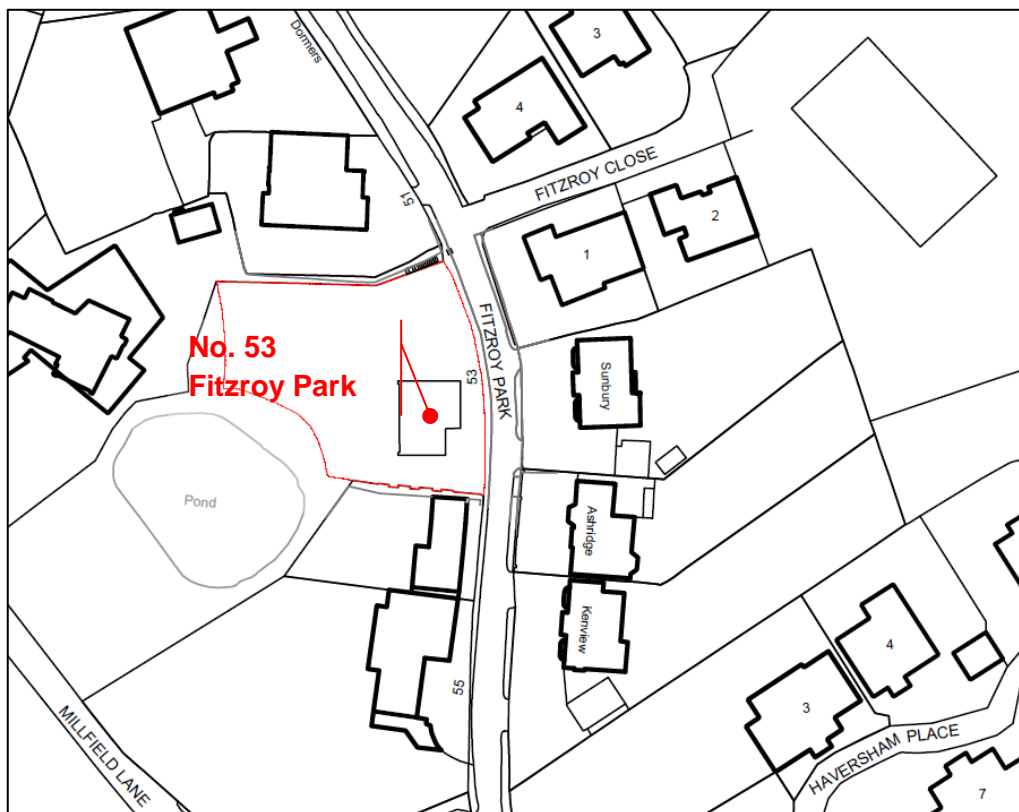
2.1 This section of the statement provides a detailed assessment of the site's context, examining its physical and historic context.

### Physical Context

#### Site Location

2.2 No. 53 Fitzroy Park is located to the west side on the south-west section of Fitzroy Park between Fitzroy Close to the north-east and the junction with Millfield Lane to the south-east (see Map 2.1 below). The property is located within the Highgate Conservation Area.

2.3 Fitzroy Park is a winding private road that falls from Highgate village and The Grove to the north-east section of the road down to Millfield Lane to the south through the former grounds of Fitzroy House, which was built c.1780 for General Charles Fitzroy, Lord Southampton. To the south and south-west of Fitzroy Park, beyond Millfield Lane lies Hampstead Heath. The site is also located within a designated area of Open Space.



Map 2.1: Site Location Plan.

## Application Site Description

- 2.4 No. 53 Fitzroy Park is a part-two, part-three storey flat roofed detached (and currently vacant) dwelling house dating from 1952. It is located in an area that was formerly part of the grounds of the former Fitzroy House, a Palladian villa built c.1780 for Colonel Charles Fitzroy and later demolished in 1828. The land was subsequently sold off as smaller lots.
- 2.5 No. 53 Fitzroy Park is located within the Highgate Conservation Area. It is not considered to make a positive contribution to the established character or appearance of the Conservation Area and there is an extant and implementable consent for demolition<sup>1</sup>. In addition, the building is neither statutorily or locally listed, and there are no other listed buildings within the immediate vicinity of the application site.
- 2.6 The site slopes to the west, away from Fitzroy Park and the existing building is built into the slope. No. 53 Fitzroy Park dates from 1952 and was designed by the architect Stephen Gardiner and is a flat-roofed dwelling house of a 'cuboid form', the first floor of which is clad in horizontal white-painted weatherboarding with brick used elsewhere (see Photograph 2.1 below). A double garage is incorporated into the front section of the building.
- 2.7 As the site slopes downwards (to the west) away from the street, the rear garden level is set one storey lower than at Fitzroy Park road level. Two storeys are presented to each of the front and rear elevations, with the front elevation facing Fitzroy Park one storey higher than the rear elevation in real terms, which is evidenced when viewed from either side elevation.



**Photograph 2.1:** View of the front elevation looking west from Fitzroy Park.

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<sup>1</sup> Ref. 2011/1686/C – Dated: 16 November 2012.

## Surrounding Area

2.8 This part of the Highgate Conservation Area is characterised by its secluded and verdant feel. The site and its surrounding context are partially screened by mature trees and the existing building sits within a large plot (1,284sq.m).

2.9 The existing building at No. 53 is not visible from Hampstead Heath, nor is the recently constructed property at No. 51 Fitzroy Park adjacent. However, there are several properties opposite on Fitzroy Park which, are both taller in height from ground level to roof pitch and are located higher up the slope of the land (higher to the east of Fitzroy Park), and are therefore visible in seasonal glimpsed views from The Heath. As such glimpsed views of a variety of styles of roof tops surrounded in trees form the existing backdrop to The Heath and have done so since at least the 1930s when these properties were constructed. The existing building is also located at some distance away from, and heavily screened from Millfield Lane at the edge of The Heath. Officers have previously accepted that the existing building, the extant proposal at the site and the recently constructed No. 51 adjacent would therefore not be visible except in extremely limited circumstances from either Hampstead Heath or Millfield Lane.



**Photograph 2.2:** View of the extant property to the west side of Fitzroy Park prior to the development of the contemporary replacement house at the site of No. 51 Fitzroy Park to the North.

2.10 The site is also located on land designated as private open space and known as 'Fitzroy Open Space', which is a large area of land adjacent to the eastern edge of Hampstead Heath. It is largely made up of previously developed land comprising large detached and semi-detached houses set in private gardens. The area largely corresponds with the Fitzroy Park residential area.

2.11 This area is considered to have a leafy and relatively open character, and much of the residential development is located on tree and hedge lined streets that provide a semi-rural feel, albeit development in the form of private houses in a variety of styles, massing and relationships to the roads are clearly visible.



In addition, as the site is both within a conservation area and designated private open space, all trees on the site are protected.

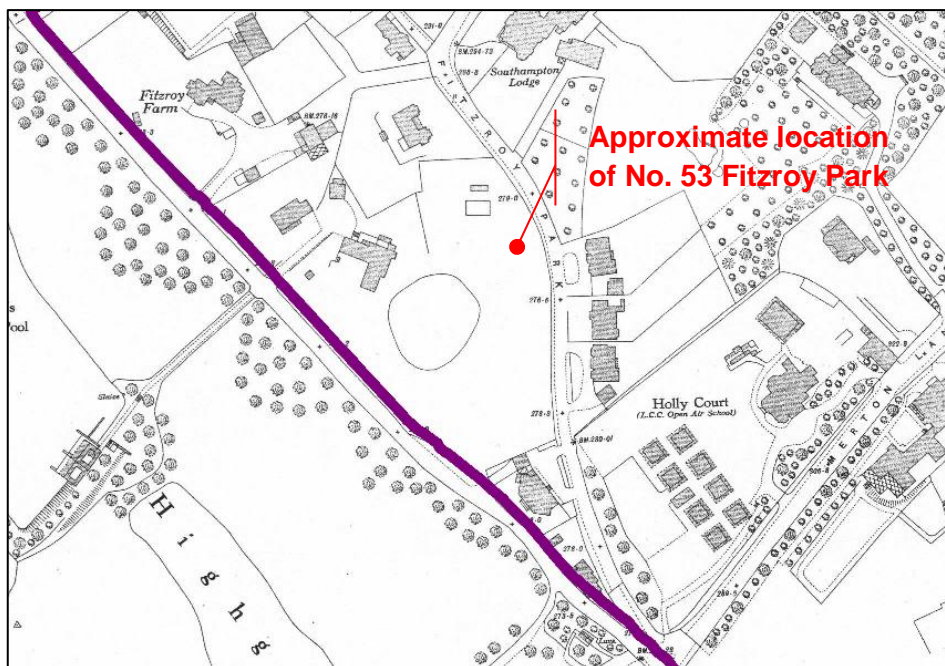
- 2.12 As previously indicated, while the site is located within the Highgate Conservation Area, a designated heritage asset, it has previously been confirmed by the Officer's Report for the extant approval that the existing building does not make a positive contribution to the wider character or appearance of the Conservation Area. There are also no other designated heritage assets in the vicinity of the site, no statutorily or locally listed buildings are present in the immediate vicinity and so there are no issues relating to historic setting to consider.
- 2.13 The surrounding area comprises individual houses of varied architectural styles and scales set within their own grounds and variously set in different positions and orientations into the sloping topography of the area.
- 2.14 The area comprises a mix of early 20<sup>th</sup> Century houses and later houses of varying dates. Many of the post-war houses within this area were architect designed by a variety of architects, albeit the results are also of varying quality and visual appearance. There is no consistent architectural style or palette of materials, and various forms of buildings both flat and pitched roofs are present. The variety of buildings and styles is however considered to give the area part of its interest, and recent planning permissions have encouraged a continuation of this variety with a number of approvals for contemporary new residential buildings.
- 2.15 The area therefore has a unique capacity to accommodate change and a wide variety of proposals/styles will be equally acceptable on individual sites.

### **Historic Context**

- 2.16 The site is located within the Highgate Conservation Area, which was first designated in 1968 and extended in 1978 and 1992.
- 2.17 The historic maps below indicate that the area to the west of Fitzroy Park was largely open space before the turn of the 20<sup>th</sup> Century and later developed to comprise a mix of open space and large detached houses set in generous plots by 1935.



Historic Map 2.1: Highgate Conservation Area OS Map, 1870-1875 (Source: Camden Council).



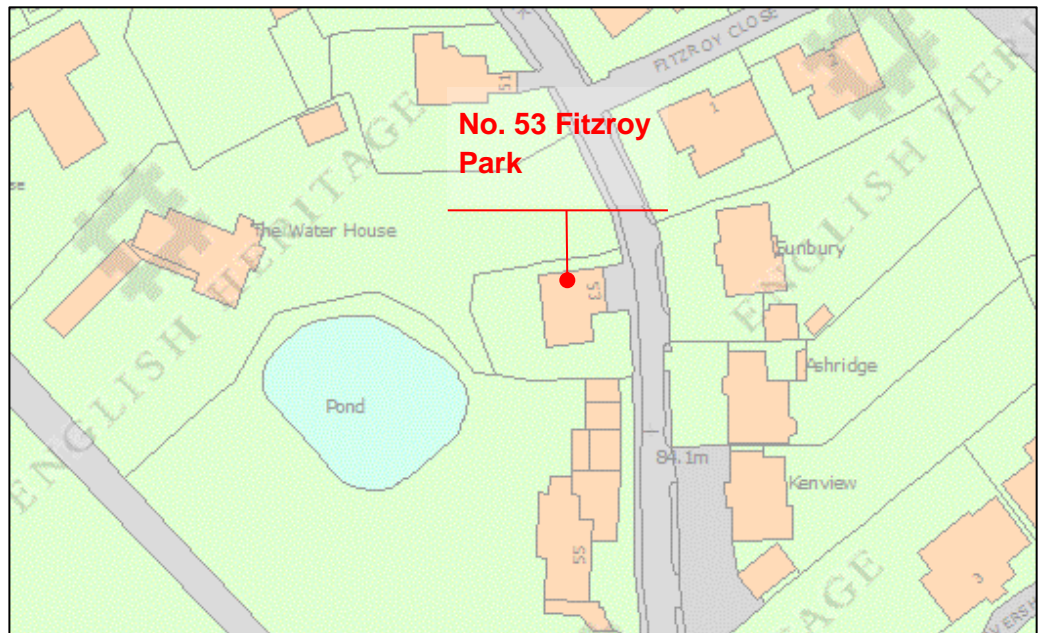
Historic Map 2.2: Highgate Conservation Area OS Map, 1935 (Source: Camden Council).

2.18

Additional historic maps are available in the Appendix to the accompanying application document 'Geotechnical, Hydrogeological and Geo-environmental Site Investigation Report' (December 2010, prepared by RSK Group – Pages 127-150).

2.19

The National Heritage List for England confirms that there are no statutorily listed buildings in the vicinity of the site, as such the development will not affect the setting of any listed properties or structures (see Map 2.2).



**Map 2.2:** Extract map taken from the National Heritage List for England (Source: ©English Heritage).

2.20

No. 53 Fitzroy Park and neighbouring structures are not included on Camden Council's draft Local List as buildings that are valued by the local community or that help to give Camden its distinctive identity.

2.21

No. 53 Fitzroy Park is also not mentioned as making a positive contribution to the Highgate Conservation Area, nor is it identified as such in the adopted Area Appraisal and Management Strategy.

2.22

As such, the existing building is not considered have any architectural or historic interest, and this corresponds with the previously stated view set out in the previous Officer's report indicating that *'as the building is not considered to be a positive contributor, the principle of demolition is not contested provided that the replacement scheme preserves or enhances the conservation area.'*

### 3.0 **Planning History**

3.1 The relevant planning history of the site and its immediate surroundings are set out in turn below:

#### **No. 53 Fitzroy Park**

3.2 The following permissions are relevant to No. 53 Fitzroy Park:

- **2011/1682/P and 2011/1686/C** – Planning Permission and Conservation Area Consent for the ‘*Erection of a three storey single dwelling including basement level, green roof, solar panels and landscaping following demolition of existing dwelling (Class C3).*’ – Granted 16/11/2012.
- **2011/0728/P and 2011/0805/C** – Planning Permission and Conservation Area Consent for the ‘*Erection of a three storey single dwelling inc. swimming pool at basement level, green roof, solar panels and landscaping following demolition of existing dwelling (Class C3).*’ – Withdrawn.
- **2009/5369/P and 2009/5370/C** – Planning Permission and Conservation Area Consent for the ‘*Erection of three storey single family dwelling house plus basement and sub-basement levels, following demolition of existing three storey dwelling house (Class C3).*’ – Withdrawn.
- **8802690** – Planning Permission for the ‘*Erection of a two storey side extension at lower ground and ground floor levels to provide a gallery and storeroom for artwork and a single storey side addition at lower ground level to provide a garden store and bay window to existing studio room as shown on drawing nos. 1-8.*’ – Granted 04/07/1989.

### **Relevant Permissions at Nearby Properties**

#### **No. 51 Fitzroy Park**

3.3 No. 51 Fitzroy Park is located immediately to the north of the application site and has recently been redeveloped in a contemporary style by architects Stanton Williams. The history of this site is as follows:

- **2011/4153/P** – Planning Permission for ‘*Amendments to planning permission (ref: 2009/1579/P) granted on the 21/12/2009 for the construction of a two storey residential dwelling with lower ground floor and associated landscaping. Amendments to include extension of ground floor terrace area and new door associated with this, repositioning of rooflight on ground floor terrace, new small rooflight on first floor flat roof and reduction in size of rooflight on main roof, addition of two internal flues discharging at roof level, new window and recessed metal panel on west elevation, use of stone and brick on part of the west elevation, use of stone on south elevation and variations to timber and glass at first floor level, introduction of small ventilation windows, and use of stone on east elevation.*’ – Granted 12/10/2011.
- **2011/0097/P** – Planning Permission for ‘*Amendments to planning permission 2009/1579/P granted on 21 December 2010 for construction of a two storey residential dwelling with lower ground floor and associated landscaping following the demolition of existing two storey residential dwelling (Class C3). Amendments include revision to the building location, repositioning of rooflight to terrace, incorporation of drainage corridor at lower ground floor level and internal alterations at lower ground floor level.*’ – Granted 10/03/2011.
- **2009/1579/P and 2009/1581** – Planning Permission and Conservation Area Consent for the ‘*Construction of a two storey residential dwelling with lower ground floor and associated landscaping following the demolition of existing two storey residential dwelling (Class C3).*’ – Granted 21/12/2009 and 21/08 2009 respectively.

## **No. 1 Fitzroy Close**

3.4

No. 1 Fitzroy Close is located to the north-east of the application site on the opposite side of Fitzroy Park.

- **2003/1034/C** – Conservation Area Consent for ‘*Demolition of existing house in connection with erection of new single- family dwelling house comprising integral garage.*’ – Withdrawn.
- **PEX0200937** – Planning Permission for the ‘*Erection of a single family dwelling house including integral garage.*’ – Granted 19/12/2003.
- **9502055R2** – Planning Permission for the ‘*Redevelopment of the site for a dwelling house, by the erection of a two-storey plus basement detached house. As shown on drawing nos. 1590/P/003A, 006A, 008A, 009A, 010A, 011A, 014, 015, 016, 017, 018.*’ – Granted 04/07/1997.
- **9003209** – Planning Permission for ‘*Extensions and alterations including the formation of an additional room at second floor level and a covered swimming pool at the rear as shown on drawing nos. 47/01 02 03A 04. revised on 09.01.91.*’ – Granted 21/02/1991.

## The Water House, Millfield Lane

3.5 The Waterhouse is located on a large plot of land to the immediate west of the application site. There are ongoing negotiations with Camden Council for the redevelopment of the site. The following recent applications are listed on the Council's database:

- **2011/4390/P and 2011/4392/C** – Planning Permission and Conservation Area Consent for the '*Erection of a new 2 storey plus basements dwellinghouse (Class C3) with garage, including associated landscaping works, following the demolition of an existing dwellinghouse.*' – No decision available online, application status indicated as 'Registered'.

## Fitzroy Farm

3.6 Fitzroy Farm is located to the north-west of the application site adjacent to the local Lawn Bowling Club. Recent permissions include:

- **2012/2218/P** – Planning Permission for '*Amendments to children's external waterslide and installation of new external spiral staircase, as a variation to condition 12 (development in accordance with approved plans) of planning permission dated 13/12/10 (ref. 2010/3593/P) for erection of a new basement and 3 storey dwellinghouse (Class C3), conversion of site office to ancillary staff flat, erection of plant enclosure in garden and associated landscaping and highway works, following demolition of the existing 2 storey dwellinghouse and 3 ancillary outbuildings.*' – Granted 25/06/2012.
- **2012/2284/P** – Planning Permission for '*Amendments (including various changes to height, entrance feature, design and fenestration details) to planning permission granted 13/12/2010 (ref: 2010/3593/P) for erection of a new basement and 3 storey dwellinghouse (Class C3), erection of plant enclosure in garden and conversion with elevational alterations of site office to ancillary staff flat.*' – Granted 14/05/2012.
- **2010/3593/P and 2010/3598/C** – Planning Permission and Conservation Area Consent for the '*Erection of a new basement and 3 storey dwellinghouse (Class C3), erection of plant enclosure in garden and conversion with elevational alterations of site office to ancillary staff flat, plus associated landscaping and highway works, following demolition of the existing two-storey dwellinghouse and 3 ancillary outbuildings.*' – Granted 13/12/2010.
- **2007/3919/P** – Planning Permission for '*Amendment to the planning permission granted 2006/3380/P dated 19/09/06 for construction of a new dwelling house; relating to amended depth of basement by additional part mezzanine floor between basement and ground floor, and reduced overall footprint of approved basement.*' – Granted 13/12/2007.

- **2007/0141/P** – Planning Permission for '*Revisions to planning permission granted 2006/3380/P dated 19/09/06 (for the demolition of the existing two-storey dwellinghouse (Class C3) and ancillary outbuilding and construction of a new two-storey plus basement dwelling) including construction of external walls out of natural limestone and changes to front and rear elevations.*' – Granted 30/07/2007.
- **2006/3381/P and 2006/3380/C** – Planning Permission and Conservation Area Consent for the '*Demolition of the existing two-storey dwellinghouse (Class C3) and ancillary outbuilding and construction of a new two-storey plus basement dwelling.*' – Granted 19/09/2006.



## 4.0 **Planning Policy Context**

- 4.1 This section identifies key national, regional and local planning policy and guidance of relevance to No. 53 Fitzroy Park, an unlisted building within the Highgate Conservation Area.

### **Statutory Legislation**

#### **The Planning Act and Development Plan**

- 4.2 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.'*
- 4.3 For the purpose of Section 38(6), the development plan in force for the area is the London Plan (2011), the Camden Core Strategy (2010) and Development Policies (2010).

#### **The Planning (Listed Building and Conservation Areas) Act 1990**

- 4.4 The Planning (Listed Building and Conservation Areas) Act 1990 (as amended) provides specific protection for buildings and areas of special architectural or historic interest over and above that provided by development control.
- 4.5 Section 72 (1) of the Act, with regard to general duty in the exercise of planning functions in Conservation Areas requires that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 4.6 It is recognised that where a proposed development would cause harm to the character or appearance of a conservation area, s72 (1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that considerable importance and weight must be given to that harm in the decision-making process. It is not merely a material consideration to which a Local Planning authority can simply attach such weight as it sees fit (Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014]; The Queen (on the application of (1) The Forge Field Society (2) Martin Barraud (3) Robert Rees) v Sevenoaks District Council [2014]).
- 4.7 However, it does not mean that the weight the authority should give to harm which is limited or *"less than substantial"* must be the same as the weight given to harm which would be *"substantial"*. Whilst the finding of harm to the character or appearance of a conservation area gives rise to a strong statutory presumption against planning permission being granted, it can be outweighed by material considerations powerful enough to do so.



## National Planning Policy Framework (2012)

4.8 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, including contributing to protecting and enhancing our built and historic environment and conserving heritage assets in a manner appropriate to their significance.

4.9 The relevant chapters of the NPPF are:

- Chapter 7 Requiring good design, and
- Chapter 12 Conserving and enhancing the historic environment

4.10 Under the NPPF, within Chapter 12, Conservation Areas are considered designated heritage assets. Paragraph 126 of the NPPF outlines that the conservation of heritage assets can bring wider social, cultural and environmental benefits.

4.11 The NPPF seeks to secure high quality design and a good standard of amenity, specifically:

4.12 “*Good design is a key aspect of sustainable development, is indivisible from good planning...*” (Paragraph 56).

4.13 Development should “*respond to local character and history, and reflect the identity of local surroundings and materials...*” (paragraph 58).

### NPPF – Conserving and Enhancing the Historic Environment

4.14 When assessing applications the NPPF states that local planning authorities should identify and assess the significance of any heritage assets affected, including any contribution made by their setting (paragraph 129).

4.15 Paragraph 132 requires local planning authorities to give ‘*great weight*’ to an asset’s conservation. Where a proposal will lead to ‘*less than substantial harm*’ to an asset, the harm should be weighed against the public benefits of the proposal (paragraph 134).

4.16 Paragraph 137 of the NPPF highlights that local planning authorities should look for opportunities for new development within Conservation Areas to enhance their significance.

## London Plan (2011)

4.17 The London Plan (2011) is the regional development plan of relevance to the application site. It requires that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail (Policy 7.8 – Heritage Assets and Archaeology).

4.18 Other London Plan Policies of relevance to this application are:

- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led Regeneration
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture

## **London Borough of Camden Policy**

### **LDF Core Strategy Policies**

4.19 The following Policies within the Camden Core Strategy are relevant to the proposed redevelopment of No. 53 Fitzroy Park:

- 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 through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) – *full policy text at Appendix 1*
- CS16 (Improving Camden's health and well-being)

### **Development Management Policies**

4.20 The following Policies within the Camden Development Management Policies are relevant to the proposed redevelopment of No. 53 Fitzroy Park:

- DP6 (Lifetime homes and wheelchair homes)
- DP16 (Transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and the availability of car parking)
- DP19 (Managing the impact of parking)
- DP20 (Movement of goods and materials)
- DP21 (Development connecting to the highway network)
- DP22 (Promoting sustainable design and 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)
- DP28 (Noise and vibration)
- DP31 (Provision of, and improvements to, open space, sport and recreation)
- DP32 (Air quality and Camden's Clear Zone)

### **Supplementary Planning Documents and Guidance**

- 4.21 Regard has also been had to the requirements set out in the following London Borough of Camden Supplementary Planning Documents and Guidance:
- Camden Planning Guidance (2011), specifically
    - CPG 1 – Design (amended 2013)
    - CPG 4 – Basements and Lightwells (amended 2013)
  - Highgate Conservation Area Appraisal and Management Strategy (2013)
- 4.22 The Highgate Conservation Area Appraisal and Management Strategy was adopted in 2013 and is a material consideration in the determination of applications within the Conservation Area or its setting.

### **Key Assessment Tests**

- 4.23 The key issues and considerations for the assessment of the proposed development based on the policy context outlined above are considered to be as follows:
- 1 The Principle of Demolition of the Existing Building
  - 2 Design of Replacement Building
  - 3 Effect of the Development on Private/Public Open Space
  - 4 Acceptability of Basement Development and Design
  - 5 Amenity of Neighbouring Occupiers
  - 6 Transport Issues
  - 7 Trees and Landscape/Biodiversity Strategy
  - 8 Sustainability
- 4.24 These matters are addressed in detail in Section 7.0 of this Statement and in the accompanying Design and Access Statement.

## 5.0 The Proposed Development

5.0

5.1

This application seeks planning permission for the demolition of No. 53 Fitzroy Park, an existing part-two part-three storey 5 bedroom property, and the erection of a new three storey single family dwelling including basement level, green roofs at first floor and roof level, solar panels at roof level and associated landscaping including new boundary treatment to the property and the planting of numerous new trees.

5.2

The proposed building would have the relationship set out below in Fig. 5.1 with the existing and extant permission for the layout of the building within the site.

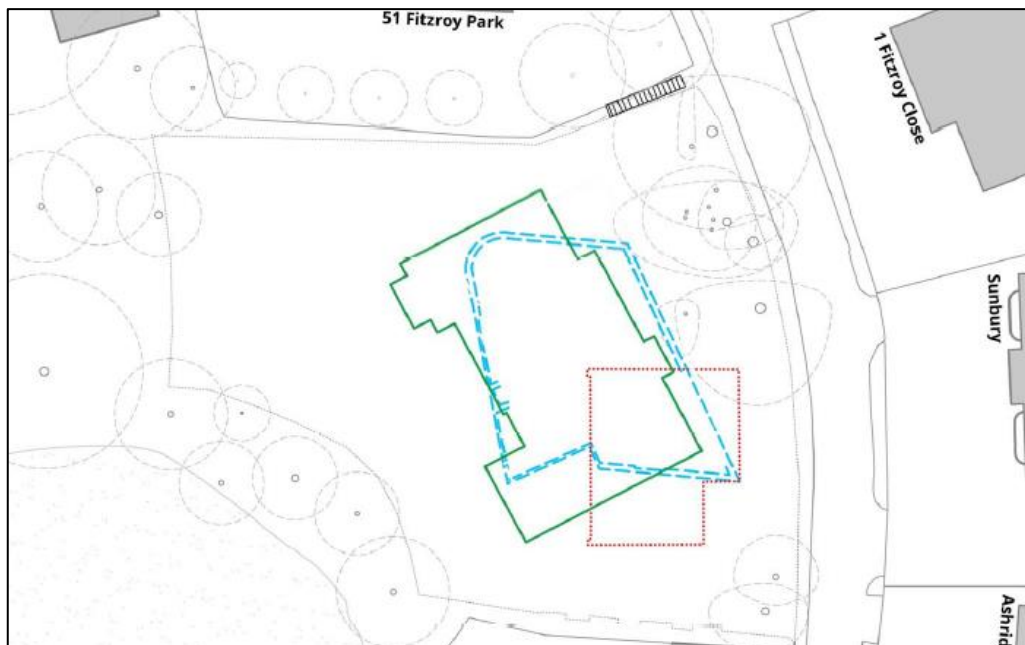


Fig. 5.1 (above): Ground Floor Area and Location Comparison (existing, extant permission and proposed)

5.3

The Design Evolution that has led to the proposed arrangement, informed by three rounds of pre-application negotiations with Officers and consultation with neighbours is set out in detail within the accompanying Design and Access Statement.

5.4

The proposed house would provide a children's games room, cinema, study, guest accommodation, staff accommodation, laundry, plant and wine rooms and other storage accommodation at the lower ground floor level; a formal lounge, dining room, kitchen and family room at ground floor level; and a master suite with terrace and three other bedrooms with en-suite facilities at first floor level. The basement accommodation would comprise swimming pool, hot-tub, sauna, steam room, changing room and gym.

5.5

The proposal involves a new hedge and timber pedestrian and vehicular gate along Fitzroy Park with a new pleached tree screen above the boundary treatment for extra seasonal screening of up to 4-5m in height.

- 5.6 The landscape plan involves the planting of six new trees between the proposed house and the boundary to Fitzroy Park (three of which are evergreen Holm Oaks, two Bay Laurels and a new Lime); a further seven new trees along the boundary with No. 51 Fitzroy Park (two evergreen Holm Oaks, three Field Maples and two Limes); and a further six large trees and numerous smaller trees and planting in the rest of the site. There is also reinstatement of grassed areas with new pond/water feature and wildflower planting.
- 5.7 Only four trees are to be removed to facilitate the development, in contrast to the nineteen new trees which will be replanted. A number of ecological improvements such as bird and bat boxes. A green roof and solar panels and air source heat pumps are also proposed on the roof of the new dwelling to make this a truly sustainable redevelopment of the site.
- 5.8 The proposed building is mainly constructed from natural stone cladding, with large areas of glazing and high quality bronze framed windows and doors. The building has numerous sculptural qualities and the proposed design is set out in detail in the accompanying Design and Access Statement.



**Fig. 5.2 (above):** Visualisation from the proposed new front entrance to the property.





**Fig. 5.3 (above):** Visualisation from the extant approved planning scheme - 2011/1682/P (by EMRYS)



**Fig. 5.4 (above):** Visualisation of the proposed scheme viewed from Fitzroy Park (Wolff Architects).

## 6.0 Consultation Process

- 6.1 The proposals have been through three submissions for written pre-application advice with the Local Planning Authority resulting in several adjustments and revisions to the design proposals, including orientation, positioning, massing and height as well as to the detailed design.
- 6.2 In parallel a number of the immediate neighbours of the site have been contacted to discuss the emerging proposals resulting in further adjustments to the positioning of the building, alterations to fenestration, height and detailed design, and the addition of new screening in the form of additional evergreen and deciduous semi-mature trees and an additional pleached tree hedge above the previously approved boundary hedge.
- 6.3 The Fitzroy Park Residents Association has also been consulted and the points they have raised in relation to basement development and the maintenance of the road during construction have been addressed through incorporation into the accompanying technical Basement Impact and Structural Engineering Information and Construction Management Plan.
- 6.4 Having reviewed the previously approved application at the site in detail, the following consultees provided comments in relation to the extant approval:
- North East Thames Planning Liaison Team
  - Highgate Conservation Area Advisory Committee
  - The Highgate Society
  - City of London Corporation (as owner of Hampstead Heath)
- 6.5 Detailed consideration of the matters previously raised in relation to that scheme (as set out in the Delegated Report for the Approval of Application Ref. 2011/1682/P have informed these revised proposals at the site.
- 6.6 A full account of the consultation undertaken is set out in the accompanying Statement of Community Involvement prepared by Hardhat dated January 2015.

## 7.0 **Assessment**

### **Principal Considerations for Assessment**

7.1 From the policy context set out above, the principal considerations material to the determination of this application are considered to be as follows:

- 1 Principle of Demolition
- 2 Design of the Replacement Building – Scale, Bulk, Design Approach
- 3 Effect of the Development on Private/Public Open Space
- 4 Acceptability of Basement Development and Design
- 5 Amenity of Neighbouring Occupiers
- 6 Transport Issues
- 7 Trees and Landscape/Biodiversity Strategy
- 8 Sustainability

7.2 Each of these is addressed in turn below.

### **1. Principle of Demolition**

7.3 The existing building is not identified in the Highgate Conservation Area Statement as a building which makes a positive contribution however; it also sits prominently close to the highway in views and is built of low quality and now degraded materials. Its visual appearance is utilitarian and unattractive and our view is that it detracts from the character and appearance of the area.

7.4 While the buildings in this part of Fitzroy Park are stylistically varied, and a great contribution is made by the many architect-designed mid-20<sup>th</sup> Century houses which form a significant part of the character of the area, this property is such that it has no architectural interest of any value worthy of retaining.

7.5 This has been previously recognised and the building has an extant and implementable permission for demolition under the most recent permissions at the site. The circumstances since this permission was granted have not materially changed, although arguably the vacant building will have degraded further.

7.6 As such, there is considered to be no impediment to the demolition of the building as part of this new proposed redevelopment of the site, subject to permission being granted for the new proposal.

### **2. Design of Replacement Building**

7.7 A primary consideration on the redevelopment of the site is the effect upon the wider character of this area, and the effect on the setting of, and views from, The Heath and within the Conservation Area. Thus the new buildings height, massing and position within the site and the sloping topography have been



considered carefully in the evolution of the proposed design and in parallel to the process of consultation with Officers and local residents.

## **Scale, Bulk and Massing**

- 7.8 This stretch of Fitzroy Park is characterised by large detached, mostly two storey houses with pitched roofs, sitting within variously developed gardens. Most existing properties are clearly visible from the road and while green planting is prominent, it is clear the area is developed and not undeveloped rural land. The existing properties to the east of Fitzroy Park are particularly prominent as you move along the road as they sit raised on higher topography than the road itself.
- 7.9 In footprint terms while the proposed building may have a larger footprint than some of the surrounding properties, there are a number of buildings in the vicinity which are larger. Analysis of the relative sizes of buildings to plots is provided in the accompanying Design and Access Statement.
- 7.10 However, it is noted that the redevelopment scheme is now completed at No. 51 Fitzroy Park immediately adjacent to the north of the site which is not of a dissimilar scale to the development now proposed at No. 53, but is itself located on a smaller plot.
- 7.11 The overall general volume and bulk of the proposed development is clearly greater than that previously granted, but will not be significantly prominent in views from either the road or other properties and in comparison to the relative size and prominence of extant buildings in the immediate vicinity would appear no bigger, nor more prominent than they do at present.
- 7.12 Given the proposed building is set into the downward slope from Fitzroy Park, from the road the proposed building will actually appear less prominent to the existing buildings to the east which are both taller by virtue of their pitched roofs in addition to two full visible storeys, but are also more prominent given their position on raised topography.
- 7.13 The new building would have a basement excavated under it. Including the area for the accommodation and service areas at lower ground floor level this would comprise a significant proportion of the total floorspace proposed, and all this floorspace would be below effective street 'ground' level where it has no impact on the 'above ground' mass visible from Fitzroy Park. As discussed previously, the Council has accepted that there are no views of the site from Millfield Lane so the rear façade of the building has no impact on public views from the Conservation Area, the private open space or The Heath.
- 7.14 The overall massing of the new building has been extensively considered to reduce the visual effect of the building from the surrounding area with the main bulk of the building below street level, the ground floor wholly concealed by the boundary treatment and the first floor level modestly scaled and possessing a flat roof with a low parapet that sinks back into the site screened by retained

and proposed planting in a much less prominent way than existing buildings in the vicinity on higher ground with prominent pitched roofs and dormers.

- 7.15 The extent of the proposed development at first floor level protruding above the new enhanced boundary treatment and associated pleached tree arrangement is considered to be less prominent than the existing building which sits close to the road behind a sloped concrete parking area.
- 7.16 It is also considered that the effects arising from the additional bulk at first floor level from the wider public realm are relieved by the fact the building has been set back even further into the plot away from the roadside than the extant permission for redevelopment. The building is now less prominent in views along Fitzroy Park than the existing building in views from the street and would not appear significantly bigger than the existing.
- 7.17 These facts are confirmed by the CGI visualisations of the proposed scheme in comparison to the existing and approved positions which are set out in the accompanying Design and Access Statement. Winter views from the surrounding properties to show the seasonal effects absent foliage have also been included.
- 7.18 Comments on the previous scheme suggested that the proposed bulk was inappropriate in the 'very sensitive location' on the fringes of The Heath. This concern is unfounded as the proposed scheme and its neighbour No. 51 Fitzroy Park are not visible from The Heath either in long views or from the edge of the Heath at Millfield Lane. This was accepted by the Council in the approval for No. 51 and the extant approval at No. 53. Indeed the height of the development now proposed was reduced by over a full metre in direct response to Officer comments to ensure that it would not be considered necessary to undertake verified views from The Heath. The proposed development is now some 450mm shorter than the now built No. 51 where no verified views were considered necessary.

## **Design Approach**

- 7.19 Fitzroy Park is characterised by a mix of houses dating from the 19<sup>th</sup> and 20<sup>th</sup> Centuries. The mixed architectural approach is derived from the historic ownership of the land. Originally the area around Fitzroy Park was part of the larger estate of Fitzroy House, a Palladian house which was demolished in 1828. The carriageway to the house became Fitzroy Park. The area has gradually been developed along the road over time, resulting in a range of styles of buildings including buildings dating from the 1960s, with a number of houses designed by and for architects.
- 7.20 The proposed building is of a contemporary modern design with classical influences and provides a high-quality residential appearance. Such a design is entirely in keeping with the existing varied yet high quality surroundings, and the materials and finishes proposed would undoubtedly enhance the character and appearance of the Conservation Area.

7.21 The new building would not only reflect the existing overall evolution of the area, but would also add to and enhance it. In comparison to the low quality of the existing building, the new proposal is a significant improvement and the replacement structure should in terms of the quality of its appearance and materials be welcomed. As such, we cannot envisage there can be any in principle objection to this design approach employed in these proposals.

### **Front Elevation**

7.22 Currently the extant building sits prominently in view of the street fronted by a concrete parking area and low quality boundary treatment. It covers approximately 40% (at ground floor level) of the plot frontage with the high boundary wall screening the rest of the garden (which is at a much lower level due to the topography of the site).

7.23 A new continuous fence and hedge (with a wooden pedestrian and vehicular gate) would be planted along the frontage with a row of pleached trees at higher level behind to provide additional seasonal high level screening to the frontage.

7.24 As per the character of the area which has a secluded and verdant feel despite the prominence of some of the extant buildings, the proposed boundary hedge and pleached trees would be entirely appropriate soft boundary treatment in this context and would maintain the sense of seclusion by separating the building from the street. This would be in notable contrast to the hard boundary treatment consented at No. 51 to the north, and our client has specifically designed the appearance from the street of the proposed new dwelling to be as soft and green as possible to enhance the extant character and appearance of the street.

7.25 Despite having a larger footprint than the existing building, the ground floor and levels below would be entirely screened by the new boundary treatment, while the upper floor would be considerably screened by the existing mature trees and significant new planting between the boundary and the new building.

7.26 Clearly it would be the first floor element of the new building that would have the greatest impact on the surroundings, but this should be considered in the context of the following:

- The height of the proposed building is not significantly greater than the existing or indeed the extant permission for the redevelopment of the site;
- The proposed building is 450mm shorter than the recently constructed No. 51 Fitzroy Park adjacent;
- The proposed building is considerably less tall in front elevation height than the ground to roof pitch heights of the extant 1930s buildings opposite which are more prominent on a raised level;
- The height of the proposed building has been reduced by over a metre in pre-application negotiations;

- The building avoids the use of a pitched roof to minimise height;
- The building has only a low parapet at roof level, again to minimise height; and,
- The building is set further from the road than the existing and the extant permission for redevelopment to reduce the effect of the proposals in views.

- 7.27 While the first floor matches the width of the ground floor level, this is not an uncommon design arrangement for any house. The proportions and orientation of the building are such that the additional first floor width still reads as subservient to the prominence of existing development in the immediate surroundings.
- 7.28 The low height of the building and design to push the accommodation as low as possible to the road with the majority of the bulk of the building below street level using the topography, as well as the reorientation of the building mean that it has a very limited impact on the appearance of the site from the road.
- 7.29 The angling of the building and the set back of the northern element are deliberately positioned in such a way that they minimise any visual impact of the structure moving northward along Fitzroy Park. The building tapers away from the public realm.
- 7.30 In views from the opposite direction (looking south) the angle of the proposed building reads as clearly subservient to the prominent view of No. 51 and its tall boundary treatment onto Fitzroy Park. Any extra bulk in this view will be barely perceptible as it will be screened by the trees along the front boundary.
- 7.31 The effect of the development is further minimised by the extensive new tree planting, with specific selection of evergreen species for year round cover.
- 7.32 Generally in all views where the new building will be visible, the more refined, angular form and high quality materials with textures and subtle finishes will provide an improved visual experience to the viewer.
- 7.33 It is acknowledged that the depth of the first floor is greater than existing but this is only visible in limited oblique views for a short distance between the gap between the site and 55 Fitzroy Park to the south. However this needs to be considered in conjunction with the remaining gaps to the north and south of the building, the increased distance from the road, and the improved planting which all provide an enhanced visual experience on Fitzroy Park that enhances the character and appearance of the Conservation Area and the experience of the private open space. On balance these improvements are considered to at least maintain the sense of openness within the open space designation.
- 7.34 The front elevation has been designed in a very restrained manner with minimal areas of glazing in order to maintain a sense of subservience and seclusion to the street. High quality stone has been chosen for the cladding which is a durable and high quality material and is appropriate for this contemporary design.

- 7.35 Subtle interest would be provided to the façade through bedding planes and the natural variation of colour in the stonework. Over time weathering would dull the stonework down from a creamy white to a duller greyish brown tone. It is considered that the design of the new building would sit well in the context of the wider area and enhance the character and appearance of the wider Conservation Area.

### **Views from the Rear**

- 7.36 In a similar manner to the existing, the proposed building is orientated to address the garden, rather than the road, with a much greater degree of modulation and glazing, with terraces and roofs creating a stepped appearance in line with the topography of the site.
- 7.37 The rear of the building is not visible in any public views, and while in elevation and visualisation terms the building reads as larger from this direction, this has no impact on either the Conservation Area or the private open space. As such, the approach to design taken is considered to acceptably address the constraints of the site given the topography, the importance of maintaining a secluded character to Fitzroy Park, and the limited views of the rear of the building.
- 7.38 This is most notable in plans due to the topography of the site at the rear of the building providing for three exposed storeys compared with two to the front. To address this, even though the façade is not publically visible, the visual appearance of the façade is significantly broken up through the use of careful massing, areas of glazing and the use of differing materials.
- 7.39 In winter, Officers have previously accepted in the extant permission for the site that only very limited views may be possible of the rear of the building from Millfield Lane, however these views will only be glimpses rather than a panoramic view and will be seen in the context of a considerable distance of separation and through leafless, nonetheless dense vegetation.
- 7.40 Overall the massing of the building is not considered to be harmful to the character and appearance of the area, and provides not only a sense of depth and interest to the building with the height stepping down in response to the topography of the site but also a considerable improvement over the appearance of the site as extant.
- 7.41 Additional interest is added through the introduction of both high quality textural and sculptural finishes to the proposed stone and bronze works. Both these materials introduce a degree of texture and subtle variation in colour to break up the stone façade that will provide enhancements to the appearance of the building from the street.

### 3. Effect of the Development on Private/Public Open Space

- 7.42 Policy CS15 identifies open space as being important to the borough in terms of “*health, sport, recreation and play, the economy, culture, biodiversity, providing a pleasant outlook and providing breaks in to the built up area*”.
- 7.43 As the space is private, in terms of design and the impact on the Conservation Area, Officers have previously set out that the most relevant aspects of this policy consideration would be providing a pleasant outlook and providing breaks in the built environment.
- 7.44 Policy CS15 also seeks to preserve and enhance the historic, open space and nature conservation importance of Hampstead Heath and its surrounding area by various measures, including protecting Metropolitan Open Land, public and private open space and protecting views from The Heath and across it.
- 7.45 The proposed site is located in Fitzroy Open space which is identified as private open space. In comparison to the existing building the new building is undoubtedly larger in footprint, but the proposed building has been carefully designed to work with the topography of the site and enhance the existing attributes of the site through repositioning the building and improving the boundary treatment, landscaping and planting on the site including a significant numbers of new trees.
- 7.46 The visual break through the south of the site has been maintained and the proposed building is set back from the boundary not only further from the extant building, but also further from that previously consented by the most recent extant permission for redevelopment.
- 7.47 Furthermore, an additional benefit of moving the building further into the site is that this part of the site is screened by the mature trees along the boundary which are proposed to be retained and it leaves additional room for planting larger new trees for screening.
- 7.48 Given the level of planting with new trees, boundary fence/hedge and modulation of the proposed building with additional set back and articulation to the north of the building, the whole building will not read as significantly larger than the existing or consented building in views from the street along Fitzroy Park. While the views from some surrounding buildings will change, this will not be in a harmful way given the change occurs in the context of the removal of a building which actively detracts from the appearance of the area in its long empty and decayed form.
- 7.49 It is acknowledged that the proposed building would project further into the plot than the existing but this is at a lower level which would largely be invisible from any aspect, and in particular would have no impact on views from the public realm.

- 7.50 Despite the larger footprint of the building this still compares favourably with the footprint and plot to building ratios of other sites in the vicinity and the majority of the site would still be undeveloped and left open.
- 7.51 It was previously noted by Officers that it is the space left undeveloped that is the most sensitive area, and the whole western section of the plot remains available for high quality landscaping, additional space is created for substantial planting on the property frontage, and the space next to No. 55 Fitzroy Park is left open for views through towards Hampstead Heath and the area adjacent to the neighbouring gardens and pond which cumulatively provides a larger unbroken area.
- 7.52 As has been noted, views of the back of the property are extremely limited due to the extensive planting and trees. Trees and a new boundary are proposed to be planted around the edge of the property which, although they would not be initially mature, could still be 5-6 metres in height which would screen the site and maintain the verdant and secluded feel from the rear and sides.
- 7.53 As there is also a dense screen of trees on Hampstead Heath around the ponds it is not possible to see the existing building from the adjoining areas of the Heath. Given that the proposed building sits between the height of the existing permissions and that of the adjacent building, it will not have an impact in views from The Heath, and overall would maintain the openness and character of the private open space.
- 7.54 No landscaping associated with new development is complete and mature immediately on construction. A longer view of the improvements and enhancements to the planting and landscaping at the site that will develop with time are significant considerations to weigh against any short term concerns about changes to views across a site that, has long been vacant and neglected, with no regard paid to the maintenance and degradation of the amenity value it offers.

#### **4. Acceptability of Basement Development and Design**

- 7.55 The proposed new dwelling involves the excavation of a basement level and lower ground floor level which is subterranean to the front and exposed to the rear of the site to provide additional residential accommodation.
- 7.56 The existing dwelling which will be removed comprises a similar lower ground floor level which is subterranean to the front and exposed to the rear of the site so the only material difference is the addition on the lower basement level.
- 7.57 The Planning consent for No. 51 Fitzroy Park for a new dwelling with subterranean basement level has recently been completed, and an extant and implementable permission for a basement level remains at No. 53.
- 7.58 The revised proposals here retain the basement level in an altered design but one which is comparable in size and relative extent.

- 7.59 The supposed impacts of basement excavation were extensively raised as an issue with the previous approved basement and were dealt with at length by ARUPs and the Council's Officers before permission was granted subject to the normal range of conditions. Despite this the decision was challenged in the Courts and despite further considerable consideration, that judicial review failed stating that the approval had been sound.
- 7.60 Comments raised in the judicial review process have however been taken into account during the development of this revised scheme and the accompanying basement impact information includes additional considerations to address these points in detail.
- 7.61 It is considered that the information accompanying this application is more than sufficient to demonstrate the acceptability of the revised design of basement in terms of adopted policy and the Council's SPG CPG4, and that there are no sustainable objections that can be raised in regard to this element of the works.

### **Surface water, Flooding and Ground Water**

- 7.62 The site is approximately 100m north-east of and within the catchment of the Bird Sanctuary Pond, and is also about 15m uphill of the pond at No.55 Fitzroy Park. The proposed basement will be lower than the pond at No.55.
- 7.63 The impact of the previously approved basement was fully considered in the ARUP report prepared for that approval and this considered that surface water flows will not be materially changed from the existing route as the new building is not on the line of a defined drainage channel. This remains the case with this new proposal.
- 7.64 It also remains that it is likely that the principle route of surface water drainage would be to the west of the site, where drainage pipes have been identified which run towards a chamber beneath a manhole cover. The impact on surface run-off would not be affected as the proposed development will not result in a significant change in the proportion of hard surfaced/paved areas, and the new green roof proposed to the building will also improve the proportion of rainfall held on site before slow release.
- 7.65 The proposed design for the basement structure includes a layer of "free draining material" against the horizontal and vertical elements, to provide a passage for subsurface water across the footprint of the new building as was the case with the previous basement approval on the site.
- 7.66 Likewise, the basement will be constructed within a wall of contiguous piles installed around the entire perimeter of the slab; these are intended to provide support to the ground outside while excavation and basement construction is carried out inside. Spaces between the piles will allow the passage of groundwater through this supporting wall. In the permanent case the piles will not be required, but water will be able to flow through the gaps and into the drainage layer adjacent to the structure, around and beneath the building. During construction, subsurface water will be free to enter the excavation and it



is proposed to pump this back to the surface and recharge it through a series of land drains downslope of the works. These details and others of the proposed methods for dealing with groundwater inflow during construction are set out in detail in the accompanying application documents.

- 7.67 While there was a great deal of correspondence in relation to the previous basement approved at the site in relation to the presence or not of an aquifer, flows of ground water and the mechanism of replenishment of the pond at No.55 and the Bird Sanctuary pond, and land drainage, all these details were acceptably address and are carried forward into this application though a design and method of basement construction which is not dissimilar to that already approved.
- 7.68 The approval was subsequently challenged and still found to be sound and correct at judicial review. Further unnecessary consideration of these same issues as part of the current application would be ill considered in the context of this revised scheme, and the wilder worst case scenarios postulated by various local interest groups are wholly without any reasonable foundation worthy of further consideration.
- 7.69 Most notably it has clearly been established that the proposed basement can be safely constructed without the threat of damage to the adjacent road, than the concerns raised that the cumulative impact of basements in the vicinity will permanently and adversely affect the flow of water to the ponds has been addressed in the accompanying application information. There is no evidence that the relatively limited extent of basements in the vicinity will have any adverse impact on the supposed complex geology or springs and streams in the wider area.

### **Slope stability**

- 7.70 On Figure 16 "Slope Angle Map" in the Camden Geological, Hydrogeological and Hydrological Study report the site is in a location where the slopes are shown as 7°-10°. The site is also located on or close to the area where the London Clay is buried by the Claygate Beds and where a veneer of head material may cover the site or the area impacted by the proposed development. The Camden Geological, Hydrogeological and Hydrological Study report advises that in the areas highlighted in Figure 16, land stability issues should be considered in detail.
- 7.71 The basement will be constructed in a similar way to the extant approval for a basement at the site, and this application is accompanied by an updated preliminary assumed sequence of construction and structural engineering notes. The basement will be constructed using standard systems of contiguous piles, temporary beams and diagonal lateral props, with a layer of free draining material located to the underside of the pool slab to ensure proper drainage.
- 7.72 The structural information has taken full account of the discussions at the time of the last permission granted and has also incorporated the comments raised during the subsequent unsuccessful judicial review.

- 7.73 In overall terms, there can be no question that the level of information submitted with this application will fully satisfy the requirements of LB Camden's Basement Construction Policies, and the proposed development would be unlikely to cause harm to the built and natural environment and local amenity and will not result in flooding or ground instability. Similarly any concerns about the stability of the slope away from the road, and the maintenance of the condition of the road are unfounded.
- 7.74 However, given the particular context of the application it is expected in this instance that a condition can be added denoting that details of the chartered engineer to supervise the construction works throughout their duration has been provided in writing to the Council prior to the commencement of development.
- 7.75 The condition can also specify that any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works. Thus full confidence can be assured that the residential amenity of neighbouring and nearby occupiers will be protected.

## **5. Amenity of Neighbouring Occupiers**

### **Consideration of Outlook and Privacy**

- 7.76 In comparison to both the existing building and the extant and implementable permission for the redevelopment of the site, the new residence now proposed is positioned further into the plot away from the boundary with Fitzroy Park.
- 7.77 The building is also in a comparable position in terms of the distance north into the plot to that of the approved scheme and it was agreed that the building would be moved into this location through liaison with both Officers and local residents.
- 7.78 The building had been deliberately designed to limit the number of windows proposed on the front elevation, particularly at first floor level so that it does not introduce new levels of overlooking to neighbouring properties positioned to the east across Fitzroy Park.
- 7.79 The front facing windows on the ground floor level would be obscured by the boundary treatment to the front and side of the proposed residence. Those at the first floor level are obscure glazed or are slot windows that are both narrow and angled away from direct views towards the properties opposite to limit any potential for overlooking or loss of privacy. The total area of unobscured glazing at first floor level in the proposed scheme is now less than the area that exists at the existing house. Arguably privacy between properties even at the generous distances between properties already present is now improved by the proposed scheme.
- 7.80 The windows and terraces on the rear elevation would be similar to the existing situation therefore would not have a detrimental impact on the amenity of any neighbouring occupiers.

- 7.81 The windows on the side elevation facing north towards No. 51 Fitzroy Park are obscure glazed or side facing slot windows in a similar manner to that agreed with the extant permission at the site, and in discussion with the occupiers of No. 51.
- 7.82 There are no direct views between property windows to the building to the south of the site and as such it is not considered there is any privacy or overlooking issue to consider.
- 7.83 The replacement building is slightly taller than the existing building and the extant permission but will be positioned behind the mature trees along the front of the site, the new boundary treatment with additional pleached trees and the newly proposed planting comprising several evergreen Holm Oaks. The proposed building is also set back further within the site, and as a direct result provides more space for new planting and screening.
- 7.84 The existing outlook of the properties located opposite the site on the east side of Fitzroy Park is towards the front elevation of the existing building which is close to, and prominent in, views as you progress along Fitzroy Park. The existing boundary treatment is poor quality and badly maintained and the trees within the site, while mature are neglected due to the long vacancy of the property. While they provide screening, this would be much improved by the proposed landscaping associated with the new development proposals.
- 7.85 It is noted that in winter the existing views from the properties opposite would change slightly, with some additional views of the new proposal or through to the rear garden of the site, but the views generally would be significantly enhanced due to the removal of the existing building and boundary that detract from the visual appearance and quality of the area, and their replacement with a building of substantially higher quality and much improved associated planting.
- 7.86 While the first floor of the proposed building would extend further north than the existing and previously consented development at the site, it would be set behind the existing mature trees and new proposed planting. It would also be located further into the site than the existing and consented building.
- 7.87 The resulting view from the properties opposite the site would be towards the new building of similar height to the existing and previously consented, which would be substantially screened by new planting and set behind the retained trees.
- 7.88 It is still considered that as a reasonable gap between the property and the north of the site is retained, and because the northern part of the property has also been set further back in direct response to Officer comments at pre-application, that the impact on the outlook from the neighbouring properties is not significant, and is commensurate with the outlook the new building would have towards the existing building if it has not also been specifically designed to limit any prospects of overlooking towards its neighbours.

7.89 In effect a two storey house with a flat roof, would face two storey houses with pitched roofs, the massing and outlook between properties is therefore very similar.

7.90 As such, it is considered that the proposed development would not have a detrimental impact on the outlook of any neighbouring properties in comparison to the existing situation.

### **Daylight and Sunlight**

7.91 The relationship of the proposed development and the neighbouring houses has been carefully considered in the context of the topography and distances between buildings and a letter outlining Daylight and Sunlight Effects dated 24<sup>th</sup> January 2015 accompanies the planning application.

7.92 From this analysis it is considered that the limited increase in height to the property and the absence of clear relationships with sensitive windows that could suffer substantive reductions in outlook means that there are unlikely to be any detrimental effects on the levels of sunlight/daylight in comparison to the existing situation that would warrant more detailed assessment.

### **Noise**

7.93 All proposed plant is enclosed within the envelope of the building with a dedicated plant room at basement level. The accompanying Noise Report confirms that the plant would not have a detrimental impact on the amenity of the neighbouring occupiers in accordance with Camden Planning Guidance.

## **6. Transport Issues**

7.94 The site is located approximately midway between Highgate and Archway stations, and the nearest bus stops are located on Highgate West Hill, to the west of the site. Additional bus services are available from Hampstead Lane, to the north of the site. Despite this, the site has a PTAL score of 1b, which indicates that it has a very low level of accessibility by public transport.

### **Parking/ cycle spaces**

7.95 Fitzroy Park is a private road and is not part of the surrounding Controlled Parking Zone CA-U, which operates between 10am and 12 noon, Monday to Friday.

7.96 The property currently has an area of off-street parking that can accommodate up to 4 vehicles (two outside and two in garaging).

7.97 The Council's parking standards allow up to one space per dwelling in areas such as this. However consideration has previously been given to the existing situation which should be taken into account now, and therefore the re-provision of more than one off-street spaces at the property should be acceptable.

7.98 Given the very poor PTAL rating and the fact that the site is a private road and outside of any controlled parking zone, it is considered that it would not appropriate to require this development to be either car-free or car-capped.

7.99 There is ample room for the secure parking of cycles within the site to a level that would exceed the Council's standards. A condition can secure the provision of cycle parking on any permission granted.

### **Construction Traffic Management Plan**

7.100 A Construction Traffic Management Plan (CTMP) has been submitted with the application for this proposal which reflects the previous discussions undertaken for the approved basement construction on the site with the residents in the area, including the Fitzroy Park Residents Association.

7.101 The CTMP sets out adequate measures for the construction process including predicted levels of vehicle numbers and measures for managing workers and materials arriving at the site.

7.102 Contractors will also be instructed to not park on Fitzroy Park. Given the scale of development, the availability of space on-site for vehicles to park and the fact that there will be a limited number of construction workers working on site at any time, it is considered that contractor parking is unlikely to have a significant negative impact on Fitzroy Park.

7.103 Some concern was previously raised with regard to pedestrian safety, given the lack of footways along Fitzroy Park. The CTMP includes measures to deal with this matter, and as per the extant approval at the site, all aspects of highway safety can be adequately addressed and dealt with.

7.104 Other measures for mitigating the impacts of construction vehicles include a wheel wash facility, noise control measures and dust control measures, and these are all considered acceptable in transport terms.

### **7. Trees and Landscape/Biodiversity Strategy**

7.105 It is recognised that the existing tree cover at the site is visually integral to the character and appearance of the conservation area and the wider backdrop of The Heath itself. The previous proposals were considered to preserve the amenity of both these designations and these new proposals offer enhancements over and above that which was previously secured creating an improved situation in terms of that already implementable at the site.

7.106 The site and garden have long been neglected and the applicant has undertaken a programme of site clearance of dead and dying trees in consultation with the Council's Arboricultural Department prior to the submission of this application and Conservation Area Notices have been applied for and actioned as appropriate.

7.107 As such, only four trees require removal to facilitate the proposed development, and advance discussions with the Council's Arboricultural

Department have confirmed that these are not of particularly good form and are not considered to make a significant contribution to the character of the conservation area. Three of the four trees required for removal also have permission for removal as part of the extant and implementable permissions at the site.

- 7.108 The justification for the removal of the trees is based on the fact that they can only be glimpsed from the public realm along Fitzroy Park and there are trees to the rear, so even after the removal of these four trees there will still be a green backdrop to the site.
- 7.109 While it is noted that these trees are also visible from private gardens surrounding the site, given the quality of the trees and their limited contribution to amenity, plus the existing permission to remove three of the four trees proposed, it would be unreasonable to require their retention.
- 7.110 It is also considered that the replacement planting (19 larger trees, several of which are evergreen varieties, and numerous smaller trees and shrubs) will more than adequately mitigate the loss of greenery. In time replacement trees, which greatly outweigh those removed, will provide a substantially greater level of canopy cover and visual amenity in comparison to those removed to facilitate the development.
- 7.111 The trees that are to be retained on site have a reasonable safe and useful life expectancy and are considered to be those that provide the greatest visual amenity within the streetscape due to their location along the boundary with Fitzroy Park. As such the retained trees are those that make the most significant and positive contribution to the character of the conservation area.
- 7.112 The accompanying Arboricultural information provides a comprehensive methodology for the protection of the trees which will be retained. Appropriate Arboricultural conditions to secure tree protection can be attached to any permission granted.

## **Ecology**

- 7.113 The proposed development lies approximately 120 metres away from The Hampstead Heath Metropolitan Open Land and within the Fitzroy Open Space. It is also located approximately 540 metres from Hampstead Heath Woods Site of Special Scientific Interest (SSSI).
- 7.114 This planning application is submitted with an Ecological Survey prepared by Michael Woods Associates that concludes that the development can be carried out in such a way that wildlife using the site can be protected during construction and continue to use the site once operational.
- 7.115 The site has also previously been recognised as having habitat in the existing overgrown and abandoned garden that would only be suitable for a limited range of wildlife.

- 7.116 The clearance from the site of dead and dying trees and undergrowth set out above has also limited the range of planting on the site that would provide nesting areas for birds and cover for small mammals and common amphibians. The re-landscaping of the site as part of the development will introduce numerous new trees, nesting and cover areas for wildlife.
- 7.117 Referring back to the extant permissions, the Council's Nature Conservation Team and Tree and Landscape Officers considered that the redevelopment of the site was acceptable and the proposals demonstrated that there are unlikely to be any protected species on site. There is nothing in the subsequent survey undertaken for this new application that alters this position.
- 7.118 Furthermore a number of measures are proposed as part of an Ecology Proposal based on those previously approved to incorporate measures to improve the ecological value of the site. A variety of grass mixes including wildflower and native grass species to attract wildlife are proposed. The landscaping scheme will include native species to provide a compliment to existing or new contributions to food chains.
- 7.119 A green roof across parts of the roof of the new building is also proposed and details of the roof can be secured by condition.
- 7.120 It is therefore considered that these proposals will improve the ecology of the site following the development and mitigate the very limited loss of the trees.

## **8. Sustainability**

- 7.121 The application is accompanied by a Code for Sustainable Homes Pre-Assessment and Energy Statement prepared by CBG Consultants.
- 7.122 The Code for Sustainable Homes Pre-Assessment indicates that the development will achieve a Code Level 4 Rating. To achieve Code Level 4, 68 percentage points are required. The proposed specifications indicate the property will achieve 69.54% points.
- 7.123 The development will achieve a Level 4 in both Energy Credits and Level 4 in Water. This is an improvement over the extant permission at the site which achieved on Level 3 for Energy Credits.
- 7.124 This will be achieved by new external walls, roof, and ground floor construction built to achieve the relevant required U-Values and energy compliance devices. A rainwater harvesting system will provide water to the garden for irrigation.

### **Renewable Energy**

- 7.125 The scheme also includes renewable energy in accordance with Camden Planning Guidance in the form of photovoltaic panels and Air Source Heat Pumps. In addition a green roof across part of the roof of the building is also proposed to improve the sustainability of the new building.

## 8.0 **Legal Agreement, CIL and Road Repairs**

### **Section 106 Legal Agreement**

8.1 Our client understands that should Planning Permission be granted it will be subject to a S106 Legal Agreement. From the extant permission covering the redevelopment of the site we understand and accept that such an agreement will covering the following Heads of Terms:

- 1 Construction Management Plan.

### **Mayoral and Camden Borough CIL Charges**

8.2 The existing house at the site is 325sq.m and is to be demolished and replaced with a proposed house of 845sq.m. There is therefore a resulting uplift of 520sq.m of floorspace that would be liable for Mayoral and Borough CIL charges.

8.3 However, the property is being built for Mrs Volossov as her and her families principal residence, and as such a self-build exemption will be applied for to provide relief against the Mayoral and Borough CIL Charges. This is indicated on the accompanying CIL Information Form.

### **Funds for Any Repairs of the Road**

8.4 Our client understand that it is normal given Fitzroy Park is a private road that those undertaking development put aside funds in escrow for the repair of any damage caused to the road.

8.5 Our client is content to enter into an appropriate agreement to secure the funds necessary in escrow on the basis that they are returned minus any reasonable deductions as a result of repairs at the conclusion of the construction process.



9.0

## Conclusion

- a The principle of the demolition of the existing building is acceptable, confirmed by the earlier grant of planning permission which remains extant.
- b The bulk, scale and detailed design of the replacement building are such that they not only enhance the character and appearance of this part of the Highgate Conservation Area, but also preserve the openness of the private open space and do not have any perceptible impact on Hampstead Heath in the context of the wider improvements and landscaping proposed to the site.
- c There are no heritage constraints associated with the redevelopment of the site. The existing building is not statutorily listed or identified as a positive contributor and the proposals would not cause harm to the character and appearance of the Conservation Area .
- d The proposals are fully policy compliant and respond to the varied local character and history of the area, and reflect the identity of the surroundings and varied mix of materials in line with the NPPF (para. 58).
- e The proposed building is architecturally a worthy addition to Fitzroy Park with its mix of high quality and varied modern buildings. It would provide a significant enhancement to the Conservation Area and immediate streetscene through the removal of the existing building which actively detracts from the architectural quality and character of the area. This is in line with the NPPF, which requires local planning authorities to look for opportunities for new development within conservation areas to enhance their significance (para. 137).
- f Sufficient information has been submitted with respect of the basement excavation by the applicant to demonstrate that it would be unlikely to cause harm to the built and natural environment and local amenity, and it would also be unlikely to result in flooding or ground instability, including instability to the road.
- g The development would not have a detrimental impact on the wider transport network. During the construction stage both the local road network and residential amenity will be protected by the measures included in the Construction Traffic Management Plan.
- h The new building has also been designed to ensure the amenity of neighbouring occupiers in terms of outlook, light, privacy or sense of enclosure is not detrimentally affected.
- i The proposed development also offers an enhanced sustainability package that improves upon that secured by the previous permission at the site, resulting in a building that is very energy efficient. This is in line with the NPPF which establishes a presumption in favour of sustainable development.

## Appendix 1 Fitzroy Open Space

### Core Strategy

#### **Policy CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity**

*“The Council will protect and improve Camden’s parks and open spaces. We will:*

*a) protect open spaces designated in the open space schedule as shown on the Proposals Map, including our Metropolitan Open Land, and other suitable land of 400sqm or more on large estates with the potential to be used as open space;*

*b) tackle deficiencies and under-provision and meet increased demand for open space by:*

- providing additional open space at King’s Cross;*
- securing additional on-site public open space in the growth areas of Euston, West Hampstead Interchange, Holborn and Tottenham Court Road, and other parts of Central London. Where the provision of on-site public open space is not practical on a particular site in these areas, the Council will require a contribution to the provision of additional public open space on identified sites in the vicinity. If it can be demonstrated to the Council’s satisfaction that no such suitable sites are available, we will require improvements to other open spaces in the area;*
- securing improvements to publicly accessible open land on the Council’s housing estates; and*
- securing other opportunities for additional public open space.*

*c) secure from developments that create an additional demand for open space, where opportunities arise, improvements to open spaces, including to:*

- the facilities provided, such as play and sports facilities;*
- access arrangements; and*
- the connections between spaces.”*





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