

Planning Statement

26 Netherhall Gardens, NW3 5TL



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1. Introduction

- 1.1 This statement has been produced on behalf of Dome Assets Limited to accompany a planning application re-submission for the following development at 26 Netherhall Gardens, NW3:

Demolition of the existing property, and redevelopment of the site to provide a four storey (plus lower ground floor and basement storey) detached property comprising five self contained residential units (4 x 2 bedroom and 1 x 3 bedroom). The proposals also include hard and soft landscaping, new boundary treatment and the provision of off street car parking.

- 1.2 This application has been submitted following a refusal of planning permission in January 2015 for the demolition of the existing building on the site and its replacement with a new four storey building to provide five apartments. The application was refused on grounds relating to the impact on the conservation area, structural matters, trees, residential amenity and car parking.

- 1.3 This statement provides a response to the reasons for refusal, and sets out where the scheme has been amended to address the issues raised by Officers.

- 1.4 This statement provides the background information on the site, and a detailed consideration of the proposals in relation to planning policy and other material considerations. This statement should be read in conjunction with the following reports:

- Design and Access Statement by Squire and Partners;
- Heritage Report, by Peter Stewart Consultancy;
- Basement Impact Assessment and Structural Design & Construction Statement, prepared by Sinclair Johnston & Partners;
- Energy & Sustainability Statement, prepared by Mecserve Sustainability;
- Daylight and Sunlight Assessment, prepared by Rights of Light Consulting;
- Transport Statement, prepared by TTP Consulting.
- Arboricultural report, prepared by Crown Consultants.

- 1.5 The proposed replacement building has been designed following an extensive study into the characteristics and appearance of the Fitzjohn's and Netherhall Conservation area, and proposes to replace the existing outworn building with an exceptionally high quality residential development.

- 1.6 This statement has been set out under the following headings:

- **Section 2** outlines the site and its context within the surrounding area

- **Section 3** provides an overview of the planning history
- **Section 4** provides an outline of the proposals
- **Section 5** outlines the relevant policies
- **Section 6** examines the main planning considerations
- **Section 6** draws our conclusions in respect of the proposals

2. Site and Surroundings

- 2.1 The subject site at 26 Netherhall Gardens is situated in Camden's Frognal and Fitzjohns Ward on the southern side of Netherhall Gardens, to the east of Finchley Road in Hampstead.



Above: Birds Eye View of 26 Netherhall Gardens

- 2.2 The building at 26 Netherhall Gardens is a 4 storey house with an exposed lower ground floor, and a steeply pitched roof with two large dormers to the front elevation. The chimney stacks have been cut back, and those to the north lost. In contrast to the other houses in the street it has an exposed basement level and excavated front garden area so that it appears to stand taller when compared with neighbouring buildings, and is reached by a complicated arrangement of steps. The building is comprised of brown stock brick, red brick dressings and a clay tile roof and dates from the later part of the 1800's.
- 2.3 The site currently benefits from a vehicular access from Netherhall Gardens, which leads to a hard paved parking area for approximately four cars.
- 2.4 Typically, the buildings in the immediate locality are set back from the road behind private gardens or areas of hard landscaping and range from 2 – 4 storeys in height. Brick predominates as the building material in the vicinity, however a variety of materials and finishes can be seen throughout the wider area.



- 2.5 The site is well served by public transport with both Finchley Road underground station and Finchley Road and Frognal overground station located approximately 0.3 miles to the east. Many bus routes pass along Finchley Road and Fitzjohns Avenue to the east.
- 2.6 There are several institutions and schools along the street, including Southbank International School and South Hampstead High School on Netherhall Gardens and North Bridge House Schools on Fitzjohn's Avenue and Netherhall Gardens. However, the surrounding area is predominantly residential in character and is comprised of a mix of mainly red brick large detached residential villas, occasionally interspersed with blocks of flats.



- 2.7 The site lies in the Fitzjohns and Netherhall Conservation Area (see map below), which was designated in 1984 and contains a variety of architectural styles including neo-Gothic, Classical Italianate and Arts and Crafts / Norman Shaw.

Character of the Conservation Area

- 2.8 The property to which this application relates is not statutorily listed, however it has been identified as a 'positive contributor' to the character and appearance of the Conservation Area.



Above: Location of the Conservation Area within Camden

- 2.9 Netherhall Gardens rises from Finchley Road to nearly the top of Fitzjohns Avenue. A very steep incline from Finchley Road gives the road a dramatic impact from either direction with the roof lines standing out. The Conservation Area Statement sets out that roofs are an important and conspicuous element of the Conservation Area that dominates the profile of the skyline. The most common types of roofs are gables (various designs) pitched with dormers, shallow pitched with overhanging eaves.

Site Designations

- 2.10 The site has no other site designations on the Local Development Framework Proposals Map (see below). The property is not located in an area at risk of flooding.



Above: Proposals Map Extract

3. Relevant Planning History

- 5.1 The majority of the planning history relating to the property is confined to minor works such as works to trees on the site and the replacement of windows and doors to the front and rear elevation.
- 5.2 In addition to these works, planning permission was granted in December 1957 for 'the erection of a basement garage and ground and first floor extension to be used in connection with the residential occupation of the existing building' (Ref: 13774).
- 5.3 A certificate of lawfulness was granted on 21 November 2012 for the use of 26 Netherhall Gardens as 5 self-contained residential units (Class C3) (Ref: 2012/4478/P).
- 5.4 A pre-application proposal was submitted to the Council at the end of 2013, and a meeting was held in 2014. The scheme was redesigned to take into account the Council's response.

January 2015 Application

- 5.5 Of greatest relevance to the current proposals is application 2014/6224/P, which sought planning permission for 'the erection of a four storey plus basement detached building to provide 5 self-contained residential unit...including hard and soft landscaping, new boundary treatment and the provision of off street car parking, following demolition of the existing building'. This application was refused in January 2015 for the following reasons:
 - 1. The proposed demolition would result in the loss of a building which makes a positive contribution to the Hampstead Conservation Area;
 - 2. The proposed basement would fail to sustain growth of vegetation and trees on the site boundaries which would harm the character and appearance of the site. It also fails to demonstrate that the proposal would maintain the structural stability of the neighbouring buildings, and would not adversely impact the local water environment and drainage.
 - 3. The proposed residential units 1 and 2 would receive poor levels of outlook and access to natural light to the habitable rooms as basement level;
 - 4. The proposals would result in the loss of a category 'B' lime tree to the front garden area, and potentially the street tree to the front of the site;
 - 5. The increase of on-site car parking fails to meet the Council's car parking standards and fails to promote the use of sustainable modes of transport;
 - 6. The proposals does not provide sufficient on site cycle parking spaces;
 - 7. The absence of a Section 106 agreement to secure matters including a sustainable energy strategy, post construction sustainability review, highway contribution, public open space contribution and car capped housing.
- 5.6 This application has been revised to respond to the listed reasons for refusal. Full details are set out in the following section of this report.

4. Response to Refused Application

5.1 Further to the refusal issued in January 2015, both the proposals and the supporting technical information has been revised in order to respond to the reasons for refusal.

Agreed Items

5.2 Before turning to the response, it is worth noting that the last application establishes a number of 'agreed matters' and items which accord with the Borough's adopted development plan. This includes:

- Matters of design;
- Impact on neighbouring amenity;
- Land use, and the provision of 5 self-contained dwellings;
- Residential mix, and proposed levels of internal and external amenity space;
- Matters of access and the provision of refuse and recycling storage.

Response

4.3 The proposed development has been adjusted in order to satisfy the reasons for refusal relating to parking, cycle parking, trees and levels of internal amenity. With regards to the first reason for refusal, the applicant maintains their position that the loss of the existing building and its subsequent replacement with a high quality, sustainable building would preserve and enhance the contribution of the site to the Hampstead Conservation area.

4.4 The following issues have been amended as part of this resubmitted application:

i. Cycle Parking

4.5 The proposed plans now incorporate a communal cycle store at the basement level, which can be accessed via an internal lift and stair core and which provide secure, covered space for 2 cycles per dwelling.

ii. Internal Amenity & Outlook

4.6 At the lower ground floor, the rear light well has been provided with a mirrored wall in order to improve the levels of natural light and perception of openness and outlook to the habitable rooms as this level. The rooms has been assessed and pass the relevant BRE daylight and sunlight guidelines.

4.7 The provision of a mirrored wall also increases the sense of openness to the space. As demonstrated by the submitted sections, each habitable room will benefit from a sky view, and therefore it is not considered there are sufficient amenity grounds on which to refuse the proposals.

iii. Trees & Car Parking

4.8 To the front of the site, the proposed parking and landscaping arrangements have been revised in order to retain tree 'T6' which is a Category B Lime Tree. The tree is to be retained within a raised planter, and the parking arrangement has been amended so that it is set away from the tree and its root protection area. As a result, the overall level of car parking has

reduced to 3 spaces and therefore no net increase is proposed in comparison to the existing level of parking on the site.



4.9 The changes to the car parking arrangement also allow the existing crossover to be retained in situ. No changes are proposed to the footpath or dropped kerb to the front of the site which would necessitate removing or replanting the existing street tree.

iv. Basement Development

4.10 With regards to the proposed subterranean element, no changes are proposed to the extent of the proposed basement storey. In response to the Council's reason for refusal, this application will be the subject of an independent verification which establish whether the Council are satisfied with the information submitted in respect of the structural integrity of the proposals and their impact on the local water environment and drainage. In the event that the appointed engineers agree with the applicant's engineers, then the reason for refusal will be satisfactorily dealt with.

v. Section 106

4.11 Reasons for refusal 8 through to 13 all related the absence of a Section 106 agreement and can all be dealt with through the progression of a S106 agreement pertaining to the current proposals.

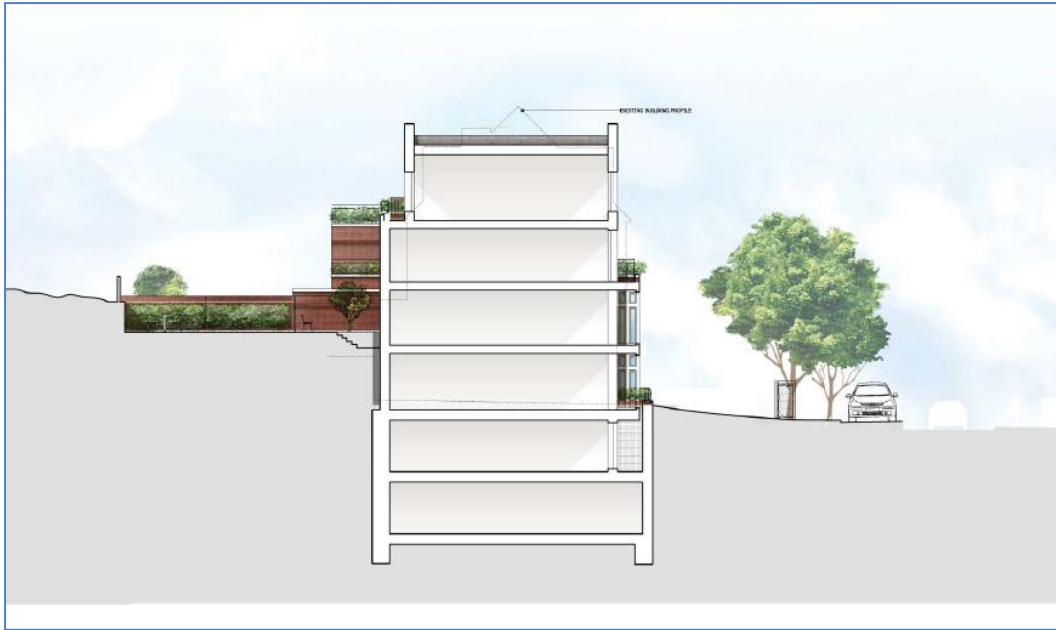
5. Proposals

Demolition

- 5.1 It is proposed to demolish the existing property in full, and to redevelop the site in order to provide a new, high quality residential development. As the site is situated within a conservation area, consent is required to demolish the property. It is not listed, and therefore listed building consent is not required in this respect.
- 5.2 It is proposed to redevelop the site and construct a four storey (plus basement storey) residential development, which internally will provide five high quality self contained apartments. The apartments will be both lateral and duplex, and will include a mix of two and three bedroom dwellings.
- 5.3 As part of the proposals, a new basement storey will be constructed along with a fully subterranean (sub basement) storey which will house plant, cycle storage and storage space. The new basement storey will be served by side, front and rear lightwells and will provide new residential floorspace as part of two duplex apartments.



- 5.3 The existing property will be demolished. The site will be redeveloped to provide a four storey (plus lower ground and basement store level) detached building.
- 5.4 The new ground floor level will provide level access for residents through a central doorway and communal lobby area. The lobby will provide access to a lift and stair core which will serve the upper storeys as well as the new basement level. To the rear, a new terrace is proposed along with access to part of the rear garden area.
- 5.5 At the first floor level, residential floorspace is provided throughout. One of the apartments will have access to the rear to a new lowered terrace which will in term provide access to the remainder of the rear garden area.
- 5.6 On the second and third floor levels, two duplex apartments will be created, both of which will have access to external balconies.



- 5.7 The proposals also include the provision of hard and soft landscaping, inclusive of the provision of off street car parking to the front of the property. New boundary treatment is also proposed.
- 5.8 Full details of the proposals are set out in the Design and Access Statement.



Proposed front elevation

6. Planning Policy

6.1 This section outlines the relevant national and local planning policies against which the proposals are considered.

National Planning Policy Framework

6.2 The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and has replaced the majority of the existing Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) with immediate effect. The NPPF is a material consideration in planning decisions.

6.3 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). It states, at paragraph 17, that planning should proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

6.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed use communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

6.5 The NPPF provides the Government's national planning policy on the conservation of the historic environment, and replaces Planning Policy Statement 5. Paragraph 129 states that:

6.6 'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'.

6.7 The NPPF advises that in determining planning applications, local planning authorities should take account of:

- The desirability and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Local and Regional Policy

- 6.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan for the area unless any material considerations indicate otherwise.
- 6.9 The Camden Core Strategy was adopted in November 2010 and the Development Policies document was also adopted in November 2010. Both of these documents are used to determine planning applications within the borough.
- 6.10 Also of relevance is the Fitzjohns and Netherhall Conservation Area Statement (2001), and Camden Planning Guidance Documents 1,2,3,4,6,7,8.
- 6.11 The London Plan (2011) and National Planning Policy Framework (2012) are material planning considerations when determining planning applications within Camden.

7. Planning Considerations

7.1 The main issues relating to the scheme are outlined below as follows:

- Demolition of the existing building
- Replacement Building
 - Land Use
 - Design
 - Quality of flats
- Subterranean Development
- Impact on Neighbours
- Highways
 - Parking
 - Cycle Parking
 - Refuse storage
- Sustainability

Demolition of the Existing Building

7.2 Paragraph 25.7 of the Development Policies document states that when considering applications for demolition, the Council will take account of group value, context and setting of buildings, as well as their quality as individual structures and any contribution to the setting of listed buildings.

7.3 In terms of the principle of the development in relation to the conservation area, No 26 Netherhall Gardens, along with a large number of other buildings in the conservation area, has been identified as a 'positive contributor'. Whilst many of the buildings in Netherhall Gardens could be said to make a positive contribution to the character and appearance of the Conservation Area (as seen above), no. 26 Netherhall Gardens is considered to be of limited architectural quality and interest and it is not a local landmark or a particularly good example of a local building tradition. The property has features in common with other houses in the street, but when considered as a piece of architecture in its own right it fails to provide a building of interest.

7.4 The Heritage Statement which has been submitted alongside the application has assessed the context of the area, the value of 26 Netherhall Gardens as part of the group in which it stands, and the quality of the individual house itself.

- 7.5 The local context is of well considered red brick built buildings with “lively and well fenestrated facades”, with large gables or two storey red brick bay windows providing a focus. The neighbouring large houses are set back behind green front gardens, and the houses are generally sited higher than the street due to the rise in the land.



26 Netherhall Gardens

- 7.6 No. 26 Netherhall Gardens has been substantially altered during the years, most noticeably in the excavation of the basement level at the front to provide a parking area and to facilitate the construction of a flat roofed extension at ground floor level above a garage. A complicated arrangement of steps serves the front door, now at first floor level.
- 7.7 The Heritage Statement, having considered the details of the property concludes that: “architecturally, the principal elevation of no. 26 is muddled, with an inelegant and unbalanced arrangement of windows of different widths and proportions, which appear to be part of the original design intent for the house.” There is “an uncomfortable pattern of openings in the main front wall of the house” which is “exacerbated by the position of the two dormers above the two southern bays which serves to further unbalance the composition which was later compromised further by the visible basement level”.
- 7.8 Although there are some parts of the building which are attractive – two interesting windows, attractive use of brick and a typical porch hood, the “whole is not greater than the sum of the individual parts”, and this does “not make a good building”.
- 7.9 Therefore the existing building at 26 Netherhall Gardens is considered to be a building of mediocre architectural quality that has an unsatisfactory relationship with its surroundings. It is a rather poor example of the local character compared with the many grand and better designed houses in the street and the wider conservation area.
- 7.10 We note that an appeal was recently allowed at no. 18 Redington Road for the demolition of a building identified as a positive contributor in a conservation area and its replacement with a new dwelling. In this case, the Inspector agreed that where a building has been much altered with additions to the front elevation giving it a cluttered appearance, then the building would have a neutral contribution to the Conservation Area. No. 26 Netherhall Gardens has similarly been much altered particularly on the front elevation and as such makes only a very limited contribution to the Conservation Area.

7.11 In contrast, the new building on site will be designed to reflect the character of the conservation area having a clear understanding of the townscape and urban design character of the Site and its context, and the significance of the Fitzjohn's Netherhall Conservation Area.

7.12 It is considered that the proposed development will respect the context of the conservation area, drawing influences from the character of neighbouring buildings using traditional materials and a scale that is in keeping with the environmental context.

Replacement Building

Land Use

7.13 The existing building accommodates five self contained flats, as confirmed by a certificate of existing lawful use in 2012. The principle of replacing the current building with five redesigned and improved self contained flats is therefore acceptable in land use terms. The proposed residential mix of 4 two bedroom units and one 3 bedroom unit will better suit the housing requirements as outlined in Camden's planning policies, and is considered to be a benefit of the proposals.

Design

7.14 The design of the proposed building has been carefully developed through contextual consideration and has evolved over time and in response to the Council's suggestions. During the course of the last application (2014/6224/P) no objections were raised to the proposed design of the replacement building or to any of the architectural detailing.

7.15 Core Strategy Policy CS14 states that the Council will require development to be of the highest standard of design that respects local context and character; and preservation and enhancement of Camden's rich and diverse heritage assets and their settings, including conservation areas.

7.16 This is supported by Development Policies policy DP24 which requires all developments to be of the highest standard of design and will expect developments to consider the character, setting, context and the form and scale of neighbouring buildings; the character and proportions of the existing building and the quality of materials to be used.

7.17 In terms of the impact on the designated heritage asset, which is the Fitzjohn's Netherhall Conservation Area, the NPPF advises that an assessment of significance should be undertaken at a level proportionate to the importance of the asset and the potential impact of the proposals. The Council has prepared a Conservation Area Statement, which was adopted in February 2001 and provides an assessment of the area. The application is accompanied by a detailed Heritage Statement prepared by Peter Stewart Consultancy which assesses the impact of the proposed development on the significance of the Conservation Area.

7.18 The existing building is, as explained above, a muddle of different and ill-fitting design elements. It has been converted into five flats on an ad hoc basis that does not make for efficient use of space or take account of the orientation of the site.

7.19 Consideration of the gaps and spacing in the area has established that there is an unusually large gap beside the house, which is not contextually appropriate.

7.20 Therefore, the design brief has specified that five duplex apartments should make the full

use of the site to create rational and well oriented self-contained units with lift access and a level of mechanical and electrical specification, finishes and floor to ceiling heights that provide high quality living space for occupants. The building will also utilise high quality materials, including handmade bricks and roof tiles, natural stonework and bespoke metal-work.

- 7.21 In considering very carefully the local context, the design has also sought precedents from other architects who have successfully created idioms that are at once contemporary whilst also respecting vernacular architectural idioms. Particular regard has been given to the directly adjacent building at no. 28, where the bay has been re-interpreted in a more modern style.
- 7.22 No. 50 Netherhall Gardens, the most distinguished building in the immediate area, has been studied too, and aspects of its design have informed the motifs and techniques which will be used on the proposed new building. In particular, the square cut stone mouldings which provide a clean simplicity to the windows and details are being utilised in the design.
- 7.23 The pre-application discussions with the Council resulted in helpful suggestions in terms of detailed design. In terms of scale, massing and height the proposal has been altered slightly to fit the proportions of the existing buildings within the vicinity. As a result, the ground floor has been slightly raised (to improve the 'squat' appearance it previously had) and the chimney height has been reduced. Also, the cornice has been broken into sections to give a sense of movement to the facade, better reflecting the informality of the surrounding buildings. The Design and Access Statement gives a detailed consideration of how the proposed replacement building will be of the highest standard of design that respects local context and character, and will preserve and enhance the Conservation Area.
- 7.24 The architects have also cleverly narrowed the bay window on the front facade, which provides a better relationship with the gable above, softening its prominence. The dormer windows have been redesigned too, to overcome their previous rectilinear character (pre-app scheme above, proposed scheme below):

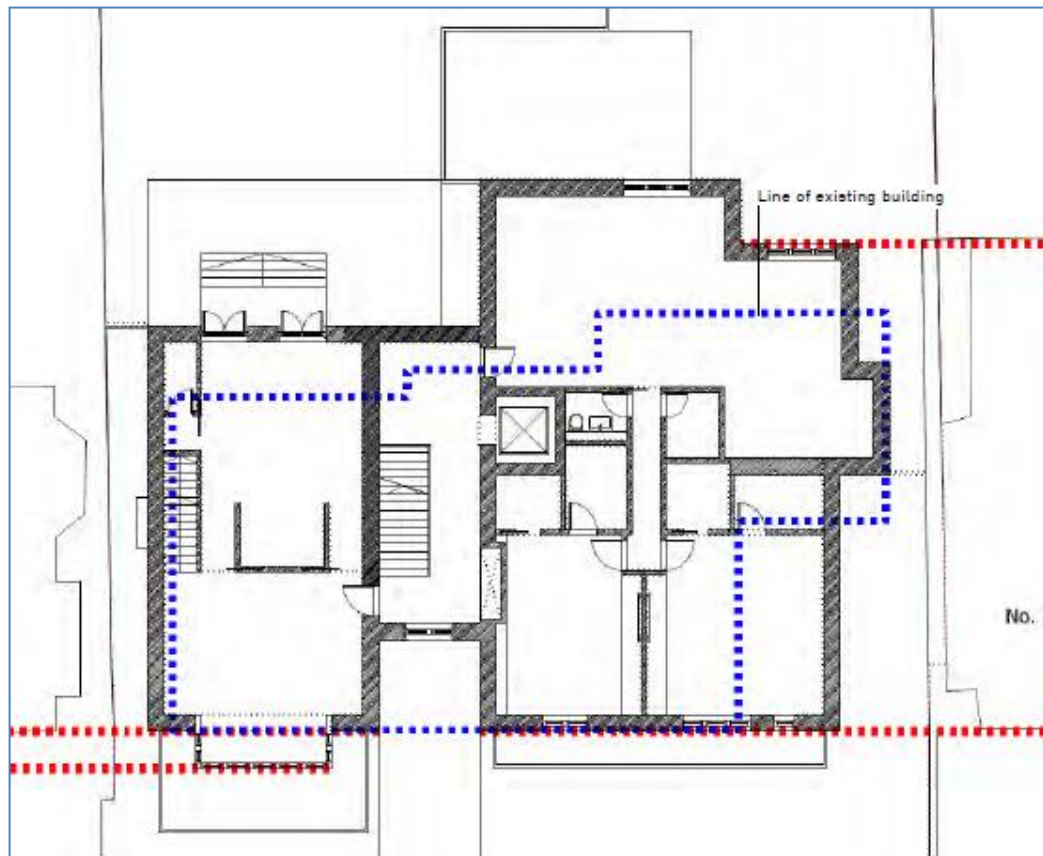


Fig. 4.6.6 Pre-Application Scheme Roofscape diagram



Fig. 4.6.7 Proposed Scheme Roofscape diagram

- 7.25 The glazed balconies have been replaced by planters to improve the appearance of the terrace areas, and to better fit in with the greenness of the area.
- 7.26 The fenestration has been re-thought. The windows now show a range of treatments and the regularity of the earlier scheme has been softened. (see Design and Access Statement part 4.6.)
- 7.27 The roof ridge-line of the existing building at 26 Netherhall Gardens sits some metres above the adjacent houses on either side, although, at 4 storeys, it is not as tall as the 5-6 storey buildings on the opposite side of the road.
- 7.28 The building line along the frontage to Netherhall Gardens has been respected. Although occupying a larger footprint to the existing building, shown in a blue dashed line on the plan below, at the rear our proposal respects the building line of No. 24, immediately adjacent. During the course of the previous application, the rear building line adjacent to 24a Netherhall Gardens was amended in order to remove any potential increased sense of enclosure. As set out in the delegated report, this amendment was considered to be an acceptable solution by Officers and no objection was raised with regard to any impact on the amenity of neighbouring properties.



- 7.29 The distance between the proposed building and its neighbours is greater than the dimensions of several near neighbouring properties on the same side of the street.
- 7.30 The proposed development will have a well considered elevation design which fills in the uncharacteristic 'gap' on site and will provide an enhanced front garden.

- 7.31 Overall, the proposed new building is considered to have been well thought through and responds positively to its context and the character of buildings in the surrounding area. The new building will compliment its neighbours in the street and brings with it a number of improvements in terms of responding to building lines, ridge heights and providing a gable roof form to the front elevation and more consistent fenestration design. It is considered that the new dwelling will address the street more positively than the existing building.



- 7.32 The Heritage Statement considers that the loss of the existing building only causes limited harm to the significance of the conservation area, however, the proposals will deliver a high quality domestic building designed as a piece with townscape benefits that will on balance outweigh any harm arising from the loss.
- 7.33 In conclusion, the existing property is a building of mediocre quality that has an unsatisfactory relationship with neighbouring buildings. It has been compromised, particularly to the front and side and only makes a limited contribution to a conservation area where there are many examples of better larger houses. The proposed new building is borne from a detailed assessment and understanding of the context and character of the area. It is very high quality design with well considered elevations, filling in the uncharacteristic gap and conforming with the prevailing ridge heights and building lines found along the street. It will provide an enhanced relationship with its neighbours.
- 7.34 The significance of the Conservation Area is derived from large, grand houses designed by architects as individual commissions. The proposals respond positively to this by providing a new individually designed building that also respects the prevailing characteristics of the better designed houses in the street. It is therefore considered that the new building will enhance the quality of the townscape and the character and appearance of the Conservation Area.

7.35 A recent appeal decision, relating to 18 Redington Road, (APP/X5210/E/11/2161175) has several parallels with this proposal. The building was in a conservation area, alongside a listed building, and the proposed scheme was wider than what was previously there. The Inspector found that although the building was in a conservation area, its contribution was negligible because of its awkward, heavily altered facade. The demolition of the building therefore accepted, the Inspector considered the fact that its replacement was significantly wider. The Inspector noted that although this was a change, the space between the buildings would still remain generous, and “the presence of a neighbouring large house is not now, and would not be following redevelopment, incongruous or unexpected.”

Quality of units

7.36 Amenity, in terms of a house’s relationship with neighbouring properties and its internal space standards, is key aspect of housing quality. The Council will protect the amenity of Camden’s residents by making sure that the impact of developments on their occupiers and neighbours is fully considered, in accordance with development policy DP26 and Core Strategy policy CS5. This is considered further below. In terms of the standard of the units to be provided, this is considered below.

7.37 Table 3.3 of the London Plan sets out minimum residential space standards as follows:

Table 3.3 Minimum space standards for new development		
	Dwelling type	GIA
	(bedroom (b)/persons-bedspaces (p))	(sq m)
Flats	1p	57
	1b2p	50
	2b3p	61
	2b4p	70
	3b4p	74
	3b5p	86
	3b6p	95
	4b5p	90

Above: London Plan Residential Amenity Standards

7.38 Both in terms of the Mayor’s standards and in terms of Camden’s residential space standards, the flats all exceed the requirements in terms of internal space. Camden also requires (in it’s CPG2, Housing) specific ceiling height of at least 2.3m, which the development provides.

7.39 In terms of storage space, bedroom sizes, living area sizes and utility space the units all exceed the requirements. Camden state in their Planning Guidance that space standards should not be seen as maxima – and that housing which exceeds the minimum standards will be encouraged.

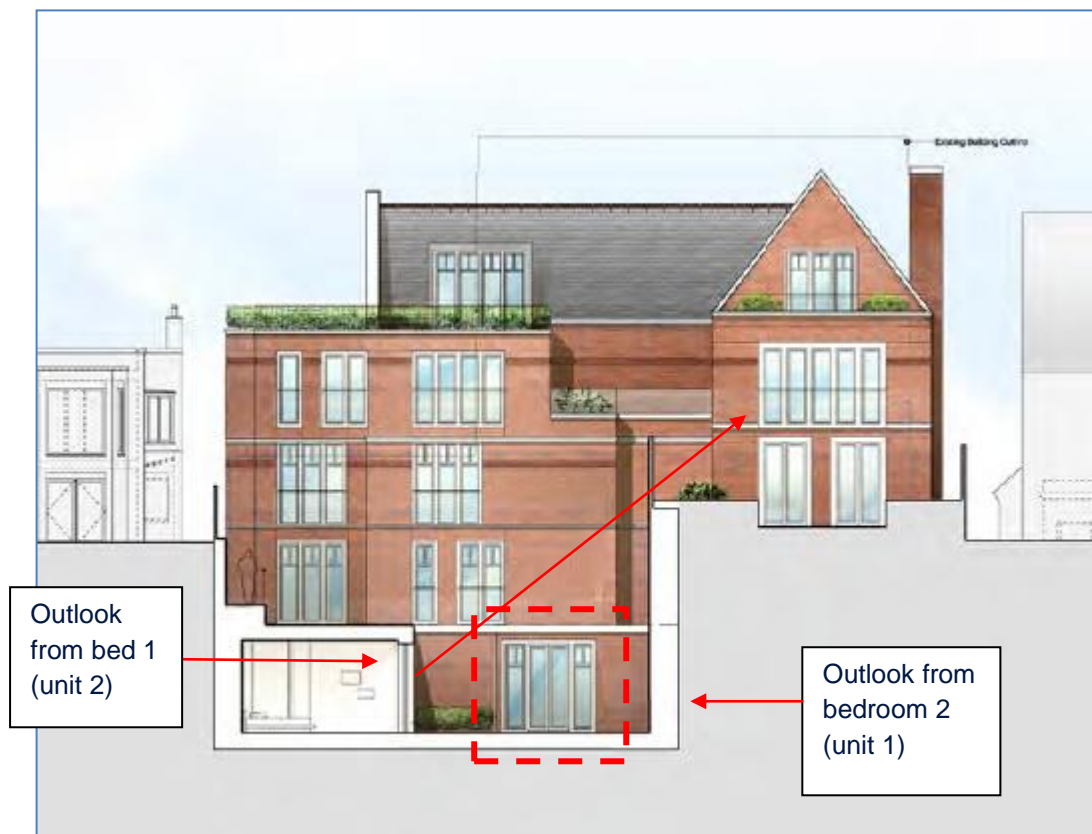
7.40 During the course of the previous application, the Council raised concerns with regards to the outlook and natural light to be received by units 1 and 2. The Council’s delegated report set out that:

“a concern is raised in respect of the level of amenity provided in respect of the levels of natural light and outlook for the habitable rooms located at lower ground floor level (basement level) particularly in regards to bedroom 1 connected to duplex 1 which is a single aspect unit outlooking onto a proposed lightwell and solid walls and bedrooms 1 & 2 connected to duplex 2 which outlooks onto proposed lightwells and solid brick walls which is considered to be unacceptable given that this is a ‘new build’ scheme”.

7.41 With regards to natural light, the internal daylight and sunlight report submitted with this

application adequately demonstrates that all habitable rooms at the lower ground floor level will meet the BRE guidelines.

- 7.42 Considering levels of outlook, both Units 1 and 2 are duplex apartments with their bedrooms and bathrooms situated at the lower ground floor level and their main living, dining and kitchen space at the ground floor level.
- 7.43 Unit 1 is a two bedroom duplex apartment which extends to 110 sq.m. in size and which benefits from a large rear lightwell to bedroom 2 and a front terrace area to bedroom 1. All bedrooms met the BRE requirements in terms of daylight and sunlight, and the lower ground floor has both a north and south outlook. At the ground floor level, the living and dining room has a large south facing window which looks out on to the front landscaped area. In considering the dwelling as a whole, it will be afforded a high level of amenity including good levels of privacy, outlook from all habitable rooms, external amenity space and internal amenity space.
- 7.44 A similar consideration has been applied to Unit 2. This is a 3 bedroom duplex which benefits from three external terraces at the lower ground floor level and a very large terrace and rear garden area at the ground floor level. The unit will extend to 176 sq.m. and will provide a very high quality dwelling which exceeds all of the minimum standards and the BRE recommendations. All of the proposed bedrooms will have a good level out outlook, and access to their individual terraces.



Residential Dwelling Mix

- 7.45 Camden's Development Policies document sets out the borough's priorities in relation to residential dwelling mix. In relation to market housing, 2 bedroom dwellings have a 'very high' priority in the borough, with the aim being 40% of all new residential development

being 2 bed units. Due to the fact that the majority of the apartments proposed are 2 bedroom units, the proposed scheme is in accordance with the dwelling size priorities of the borough.

Affordable Housing

- 7.46 Camden's Development Policies policy DP3 sets out that the Council will expect all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing. Therefore, due to the fact that 5 flats are proposed, affordable housing will not be required. In terms of internal space, the council considers that an uplift of 1000 sq. m would trigger a requirement for affordable housing. The existing building provides 732 sq.m of GIA, and the new building will provide 1305 sq.m of GIA. Therefore the uplift is 573 sq.m, less than the additional 1000 sq.m threshold for affordable housing.

External Amenity Space

- 7.47 Camden's Core Strategy paragraph 26.12 sets out the following in relation to providing external amenity space in new residential developments:

'outdoor amenity space provides an important resource for residents, which is particularly important in Camden given the borough's dense urban environment. It can include private provision such as gardens, courtyards and balconies, as well as communal gardens and roof terraces. The Council will expect the provision of gardens in appropriate developments, and particularly in schemes providing larger homes suitable for families. However, we recognise that in many parts of the borough this will not be realistic or appropriate. In these locations, the provision of alternative outdoor amenity space, for example, balconies, roof gardens or communal space will be expected.'

- 7.48 The Mayors Housing SPG advises that new dwellings should be provided with 5 sq. m. of external amenity space for 1 – 2 person dwellings, with an additional 1 sq. m. for each additional occupant.

- 7.49 The provision of external amenity space is good. Each of the apartments (bar one) has access to either a balcony, a private garden, or a large roof terrace.

- 7.50 The one unit which does not have private open space is a 2 bed unit on the first floor. This unit is the only one which is not a duplex apartment, and the design of the scheme means that external space cannot be achieved for this unit. However, the large amounts of external space provided for all the other units means that the rest of the scheme exceeds the requirements for amenity space.

- 7.51 The GLA London Housing SPG states that, at paragraph 2.3.26

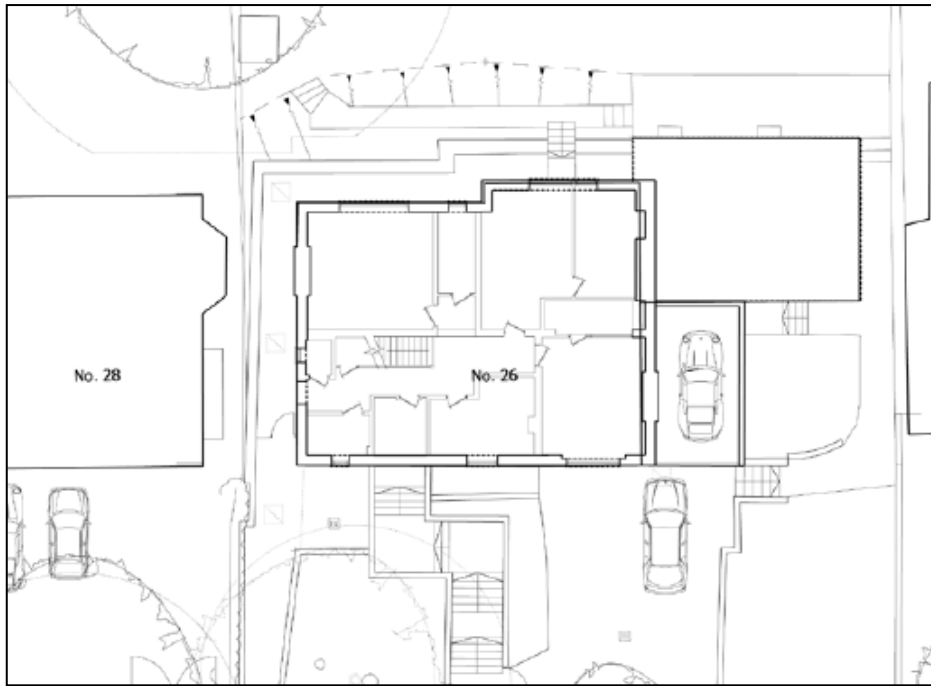
In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA and minimum living area of the dwelling, and may be added to living rooms or may form a separate living room.

- 7.52 The apartment (no. 4) with no external amenity space is a two bedroom unit, for which the required amount of space is 70 sq.m. The apartment has 159 sq.m, which is significantly

larger than the minimum requirement. Therefore, the apartment meets the policy requirements.

Subterranean Development

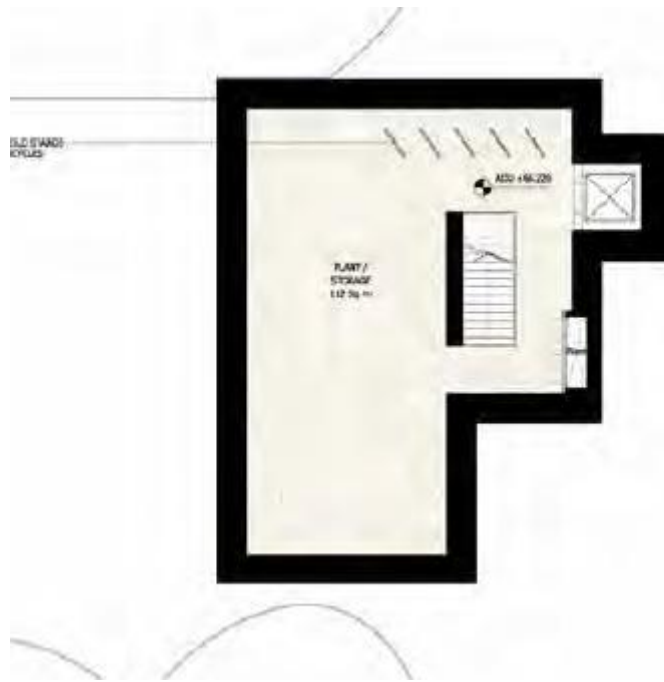
- 7.53 The proposed scheme incorporates a lower ground level as existing and a basement level. The basement level contains plant equipment only and as such there will be no residential accommodation at this level. The lower ground level will be increased in size, as shown below. The proposed basement level is also shown below.
- 7.54 Development Policy DP27, Camden Planning Guidance 4, and part of the Camden Planning Guidance 2 on Housing focus on basements. In determining proposals for basements the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.
- 7.55 A Basement Impact Assessment has been provided as part of this planning application submission. This assessment demonstrates that the basement is secondary to the main building, and it would not cause harm to ground water flow and structural stability, as long as it is constructed in a specific manner outlined in the Structural Design and Construction Statement.
- 7.56 This statement outlines that the basement must be sufficiently stiff to ensure the stability of adjacent highways and structures. Piled embedded retaining walls with a reinforced concrete box structure inboard of these piles are proposed.
- 7.57 Because the basement is to be formed on low permeable clay ground, there are limited ground water flows through the clay. Therefore any changes to water flows through the clay will be minor, and localised to the immediate vicinity of the basement. Water will simply flow around the basement and continue on its existing flow path.
- 7.58 During the construction, it will be necessary to monitor ground movement, ground conditions and ground water levels. With due consideration to all the site specific issues, it is the opinion of the structural engineers that any potential impacts of the proposed basement can be mitigated. The proposed basement is unlikely to cause detriment to the local ground water flow regime, slope stability and surface water flow regime.
- 7.59 A construction traffic management plan will also be provided in order to demonstrate how the contractors will mitigate the effects of the construction.



Above: Existing Lower Ground Floor Level



Above: Proposed Lower Ground Floor Level

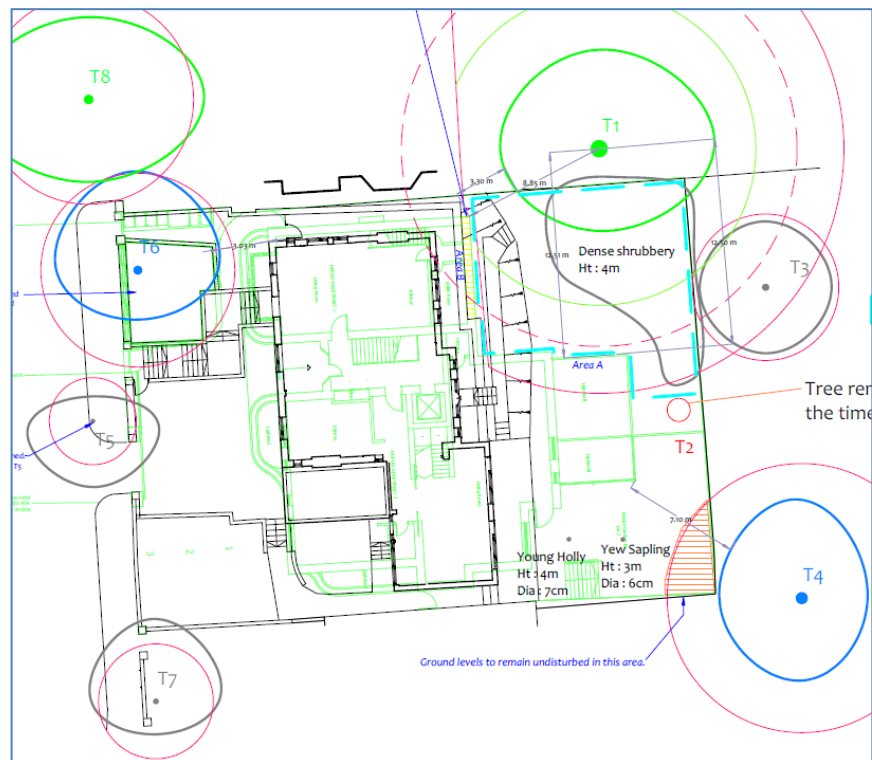


Above: Proposed Basement Level

Trees

- 7.60 The proposed development has been designed to conform with the guidance and recommendations within BS 5837:2012 - Trees in Relation to Design, Demolition and Construction. Furthermore onsite rooting activity has been assessed by excavation (trenches). A Tree Constraints Plan has been developed and the proposed development stays clear of the rooting activity of the existing trees.
- 7.61 One tree, labelled T2 in the reports was found to be hazardous on account of the decay within its stump. It has now been removed on the advice of the arboricultural consultants. T1, which is an oak in the neighbouring garden, is still located there, and its root system was the subject of the trial pits.
- 7.62 The survey found that at a distance of 12 m from T1, any development would have no impact on the health of the tree. At a distance of 9.5 m, the impact would still be negligible.
- 7.63 At a distance of 7.5 m, there would be an impact on the health and vigour of the tree – but it would depend on the depth of the foundations. However, it would also be possible to mitigate the impact on the tree. Any excavation closer than 7.5 m should be kept to a minimum.
- 7.64 There is significant amounts of vegetation around the tree, and there is much competition for oxygen and nutrients in the top layer of the soil – if this were removed, then the long term impact of root severance beyond 7.5m would be lessened.
- 7.65 The tree in question has been 'inexpertly pruned' in the past, and it would benefit from pruning to encourage good shape. If this were done within a year of the proposed development, then the impact of root severance would also be lessened.

- 7.66 The arboriculturalist concluded that if foundations were to be installed within 9.5m of the tree, it would be necessary to improve soil conditions for the tree, by removing competing vegetation and improving the rooting environment. It would also benefit the trees if shallow foundations were used.
- 7.67 The basement has been designed to work around the root protection areas as outlined in the survey.
- 7.68 As set out earlier in this statement, the proposals have been revised in order to address the objections raised in respect of trees T5 (Street, Cherry Tree) and T6 (Lime Tree to front garden). The proposed front garden layout has been amended and a raised planter is to be retained in order to ensure that T6 can be retained in good health. The existing crossover is to be retained, and therefore the proposals will not give rise to any impact on T6.



Impact on Neighbouring Properties

- 7.69 Development Policy DP26 outlines that The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors that Camden will consider as part of any new development include:

- a) *visual privacy and overlooking;*
- b) *overshadowing and outlook;*
- c) *sunlight, daylight and artificial light levels;*

- 7.70 Core Strategy Policy CS5 (Managing the Impact of Growth and Development). The policy states that The Council will protect the amenity of Camden's residents and those working in and visiting the borough by:

- e) making sure that the impact of developments on their occupiers and neighbours is fully considered;*
- f) seeking 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*
- f) requiring mitigation measures where necessary.*

- 7.71 The proposed new dwelling will also have regard to CPG2: Housing in relation to residential amenity.
- 7.72 Camden's Development Policies policy DP26 sets out that the Council will protect the quality of life of occupiers and neighbours by only granting planning permission for developments that do not cause harm to amenity. One of the factors that will be considered when assessing whether a proposal should be granted permission is whether sunlight daylight and artificial light levels are adequate.

Sunlight and Daylight

- 7.73 The proposals have taken into account the standards as recommended in the British Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (1991). The distance between the existing building and the neighbouring buildings falls within the prevailing range of gaps between buildings on the same side of the road. As with the heights, the gaps between buildings on the opposite side of the road are more regular, but narrower than that of the existing building with its immediate neighbours.
- 7.74 A sunlight daylight study has been carried out by Right of Light Consulting. The study found that the vast majority of windows in neighbouring buildings will be unaffected by the proposals. All windows pass the Vertical Sky Component test with the exception of one window, no. 76, at 24a Netherhall Gardens. This window, however, stands very close to the boundary and the BRE guidelines note that in windows like this a higher degree of obstruction may be unavoidable. BRE also notes that if new buildings are to meet the height and proportions of existing buildings, a higher degree of obstruction may again be unavoidable. The proposed development at 26 Netherhall Gardens is to be of a similar height as that existing at 24a Netherhall Gardens. BRE guidelines are to be applied flexibly, and therefore it is our opinion that the proposals are acceptable, bearing in mind the existing constraints.
- 7.75 As part of the previous application, adjustments were made to the footprint of the proposed replacement building adjacent to 24a Netherhall Gardens, primarily to remove any potential for creating an increased sense of enclosure. As a result of the set back, the losses to window 76 have been reduced from 17.5% to 13.1%.
- 7.76 The survey also considered the situation in terms of potential overshadowing to gardens and open spaces as well as any changes in sunlight to windows. All these studies found that there was no negative changes. All windows passed the requirements for both annual sunlight hours and winter sunlight hours. The before/after ratios for overshadowing to gardens was 1 – i.e. no loss.

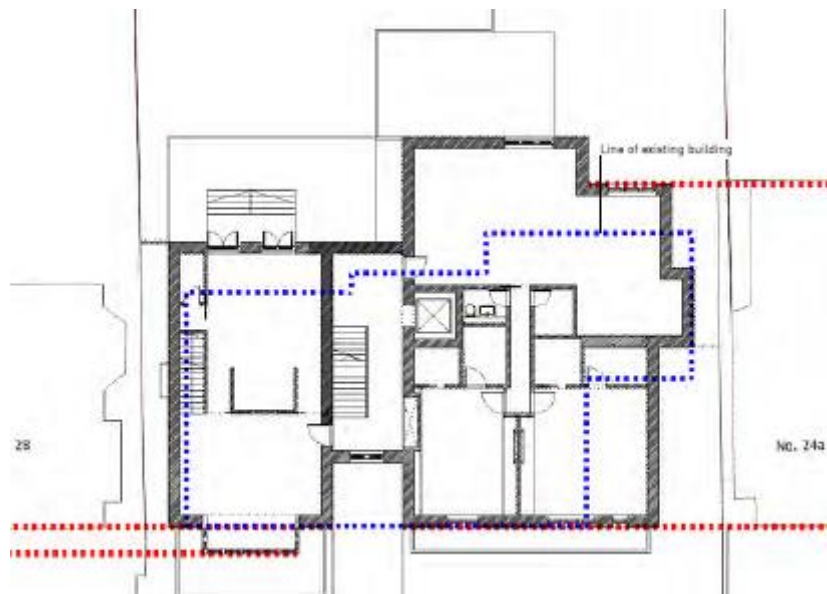
7.77 It is considered that the proposed development will not have any impact upon the amenities of the residents of the neighbouring residential properties at 24a and 28 Netherhall Gardens or those properties opposite the application site at 23 and 25 Netherhall Gardens. The rear garden of number 47 Maresfield Gardens backs onto the rear garden of the application site. However, a large rear garden is to be retained as part of the proposals and the separation between the proposed dwelling and the neighbouring garden replicates the existing situation and therefore there will be no impact upon neighbouring residential amenity.

Privacy and Outlook

7.78 Development Policies policy DP26 sets out that The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. As part of this consideration, visual privacy and overlooking will be a key issue that the Council will take into account.

7.79 The daylight sunlight report is a good basis on which to consider outlook. Since the windows in the main have passed the tests, it is a fair assumption to make that outlook is unlikely to be badly affected either.

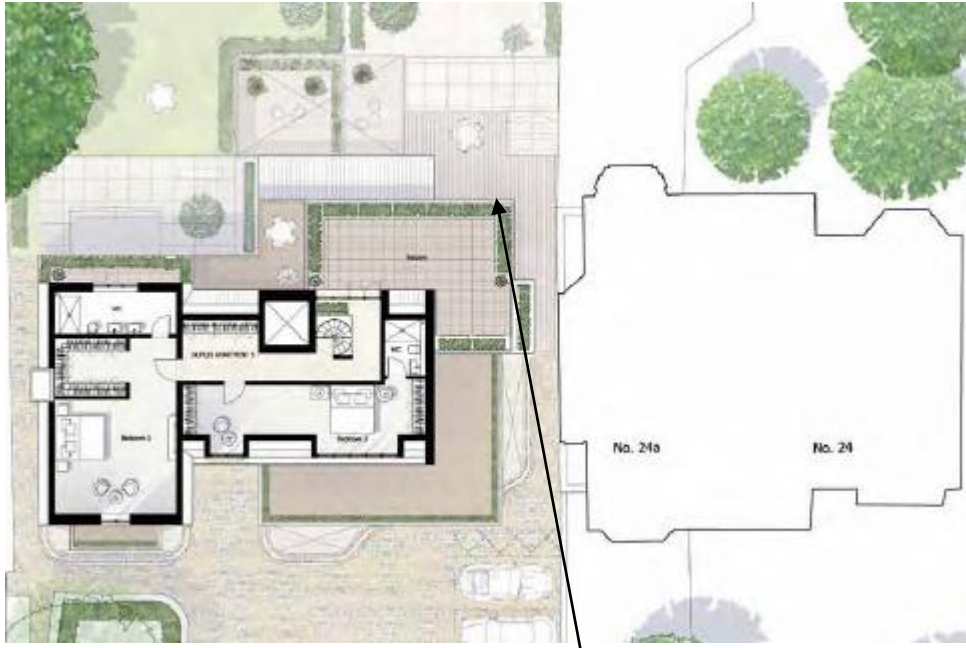
7.80 The proposals respect the building line along the frontage to Netherhall Gardens. Although occupying a larger footprint to the existing building, shown in a blue dashed line on the plan below, at the rear the proposal respects the building line of No. 24, immediately adjacent. Due to the fact that the existing building line has been respected, it is not considered that privacy and overlooking will be considered an issue.



Above: Plan Illustrating the Proposed Building Line

7.81 There are a number of terraces on the proposed scheme, which were previously screened by glass balustrades (on the pre-application scheme). The new proposals maintain the terraces, but instead of glass balustrading, which resulted in potential for overlooking and was inconsistent for the area, the balustrades are railings with planting.

7.82 The existing building at 24a Netherhall Gardens has very few windows on the side facing 26 Netherhall Gardens. The proposed terrace will rest alongside the flank wall of 24a Netherhall Gardens, but will not project in front of it.



Above – third floor plan showing roof terrace aligning with rear wall of no.24a Netherhall Gardens

Window facing diagonally towards no. 26 Netherhall Gardens



Above – aerial view of 26 and 24a and 24 Netherhall Gardens, excerpt from drawing of 24a Netherhall Gardens

7.83 The building at 24 Netherhall Gardens has one window (arrowed above in red) which is located in the corner of the building (see excerpt from old planning drawing). During the course of the previous application the design proposals were amended to include a set back to the flank wall in order to draw the development back to the same line as the side window to 24a. This amendment was considered by Officers to successfully address any potential loss of amenity.

Noise

- 7.84 No aspects of the development are considered to create noise beyond the standard expectations of a residential property. Plant equipment will be contained internally at basement level, separate from the main living accommodation. This precludes the potential noise impact to residents of neighbouring property, and means that acoustic reports will not be necessary.

Transport, Parking and refuse

Car Parking

- 7.85 The Camden Core Strategy parking standards set out that in low parking provision areas: a maximum of 0.5 spaces per dwelling are required. In the rest of the borough: a maximum of 1 space per dwelling is required.
- 7.86 The general thrust of Camden's policies are to reduce car parking in sustainable locations. The areas which have been identified as low parking provision areas are the Central London area, Town Centres and other areas with high public accessibility. Due to the fact that the site is not located in a low parking provision area (it is located just outside the Finchley Road / Swiss Cottage town centre), 1 space per dwelling should be an acceptable level.
- 7.87 The existing site currently comprises 3 car parking spaces. It is proposed to re-provide the existing 3 car parking spaces within the new development so that each unit has a car parking space on site. The proposals therefore comply with the requirements of the Core Strategy.
- 7.88 There are no parking restrictions attached to the existing site and therefore existing residents are able to apply for parking permits for use within the surrounding CPZ. All households in the proposed new development will also be eligible for on-street parking permits.
- 7.89 Chapter 5 of the guidance deals with car free and car capped development. At paragraph 5.5 the document states that "car free or car capped may be sought wherever development involves the creation of one or more additional dwellings". This development proposal is not seeking to create additional dwellings.

Existing Local Precedents

- 7.90 The planning permission granted at 11 Netherhall Gardens (in 2011) is particularly relevant.
- 7.91 The application sought planning permission for 9 residential units and 9 car parking spaces. The Planning Committee Report stated that "It is not considered reasonable to insist that the development be car free as there is no increase in residential units." Of particular relevance is the fact that the decision was made in the context of the current local planning policy framework, including CPG7.
- 7.92 Our view is that the Planning Committee correctly determined the application having regard to Policy CPG7, which states inter alia (at paragraph 5.5) that car free and car capped developments may be sought wherever the development involves the creation of one or more additional dwellings. The planning application proposal does not include any additional dwellings, therefore the implication that the development should be car-free is not appropriate.

7.93 A further appeal decision, APP/X5210/E/13/2205358, at 14 Netherhall Gardens, was allowed on 15th April 2014. The main issue was the concept of car-free development and whether the harm caused by the provision of on site parking would be outweighed by the benefits of the proposal. The Inspector noted that “paras 5.1 and 5.5 of Camden’s supplementary planning guidance, CPG7, adopted in 2011, indicate that the imposition of car free housing applies where there is an increase in the number of dwellings”. This is not the case here.

7.94 Furthermore, the inspector notes the following “the wording of the relevant passages of CPG7 is unambiguous, and the Council have previously given weight to this provision when permitting a residential development with on-site parking at 11 Netherhall Gardens (Ref 2011/3471/P) opposite the appeal site.”.

Cycle Parking

7.95 Policy DP26 states that the Council requires developments to provide:

- i) facilities for the storage, recycling and disposal of waste;*
- j) facilities for bicycle storage;*

7.96 The London Plan states that 1 cycle parking space is required per 1 or 2 bed unit and 2 spaces are required per 3 or more bed unit.

7.97 The Camden Core Strategy sets out that for residents 1 storage or cycle parking space per unit is required.

7.98 10 cycle parking spaces will be provided for the units within the proposed basement storey. The basement will be accessible by an internal lift core from the main ground floor lobby.

Refuse

7.99 Refuse stores are provided externally on the boundary with no. 28. Residents will bring their refuse down to the stores for removal and recycling by the local authority.

Sustainability

7.100 Core Strategy policy CS13 seeks to tackle climate change by requiring development to take measures to minimise the effects of and adapt to, climate change and encourage all development to meet the highest feasible environmental standards. Carbon emissions should be minimised by implementing in order, the energy hierarchy as follows:

- *Using less energy;*
- *Making use of energy from efficient sources; and*
- *Getting renewable energy on site*

7.101 Camden’s energy hierarchy as set out above, follows that found in the London Plan which requires energy to be lean; use less energy; be clean; supply energy efficiently and be green; and use renewable energy. In order to minimise carbon emissions, residential development is expected to have a 25% improvement on 2010 Building Regulations (increasing to 40% between 2013 and 2016) and achieve Code for Sustainable Homes to level 4.

- 7.102 Development Policy DP22 requires all new development to incorporate sustainable construction and design methods. New build housing is currently expected to meet code for sustainable homes level 4. An Energy and Sustainability Statement prepared by MecServe accompanies the application. The proposals will involve a range of lean, clean and green measures such as double glazed draught proof units which improve the air tightness of the structure. All light fittings will be low energy, and there will be a community heating scheme utilizing gas-fired condensing boilers of high efficiency and air source heat pumps to provide the dwellings with heating and hot water.
- 7.103 There will also be extensive provision of metering and controls enabling better control of heat and low energy fittings will be installed throughout. The development will meet Code for Sustainable Homes level 4.
- 7.104 The Energy and Sustainability Statement assesses the energy efficiency and low/zero carbon technologies to be employed in the scheme and concludes that the development's energy strategy will lead to the building's energy performance being significantly improved over Part L 2013 standards. The development achieves a 4.2% reduction in emissions compared to Part L 2013 and more than a 10% reduction compared to the Part L 2010 Target Emission Rate.

8. Conclusion

- 7.1 In summary, the proposed demolition and rebuild of a new residential development comprising 5 apartments over 4 storeys will contribute towards creating a more attractive development that is in keeping with the character of the conservation area.
- 7.2 26 Netherhall Gardens makes some contribution to the significance of the conservation area but this is limited, particularly when compared with the many other examples of houses of a more accomplished design, some by well known architects and some statutorily listed in Netherhall Gardens and the conservation area.
- 7.3 The proposed new dwellings, purpose built as opposed to created through conversion, will provide high quality well planned spaces for residents to enjoy living in. The units will all have good levels of light, outlook, and external space.
- 7.4 The building will achieve high levels of sustainability and will contribute to the reduction in carbon emissions in the Borough.
- 7.5 The design meets the requirements of the Boroughs policies, and as such should be provided with planning consent.