

Delegated Report		Analysis sheet		Expiry Date:		08/05/15	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		09/04/15	
Officer				Application Number			
Charles Thuaire				2015/0936/P			
Application Address				Drawing Numbers			
23A Hampstead Hill Gardens London NW3 2PJ				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal							
Demolition of existing dwelling house and erection of a new 3 storey dwelling house with lower ground floor rear extension, upper ground floor conservatory and first floor terrace, plus forecourt parking, front porch, lightwell and new boundary enclosure at the front.							
Recommendation:		Grant permission subject to Deed of Variation on S106					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	38	No. of responses	07	No. of objections	07
Summary of consultation responses:		<p>Site notice displayed which expired on 08/04/15 and press advert displayed which expired on 09/04/15.</p> <p><u>Seven objections</u> from neighbours at 23 (4 flats) & 25 Hampstead Hill Gardens, 29 & 31 Heath Hurst Road - (<i>officer comments in italics bold</i>)</p> <p>1. Increased glazing on side elevation and new 'winter garden' exceed approved glazing and is not all obscured, leading to loss of privacy and perception of overlooking to no.25; <i>plans clarified to show obscure glazing to all side elevation windows, condition attached to ensure this- see para 2.12.</i></p>					

	<ol style="list-style-type: none"> 2. Roof height will obscure views and lose light to side windows of no.23; <i>height is same as previous approval- see para 2.4.</i> 3. Rear extension and roof terraces cause loss of light and privacy to windows and garden of no.23; <i>these were all approved last time- see para 2.12.</i> 4. Winter garden results in loss of privacy and light to communal garden; <i>see para 2.12.</i> 5. Rear terraces and enlarged windows result in loss of privacy to Heath Hurst Rd; <i>these were all approved last time, see para 2.12.</i> 6. Existing footprint already projects further than others in terrace; increase in height, bulk and footprint does not respect no.23 and is contrary to policy DP25; rear extensions are inappropriate and out of character; 'winter garden' is another extension, not garden; concern that previously refused items are being 'slipped through' this time; <i>rear profile, except proposed conservatory, is same as that approved last time- see para 2.7.</i> 7. House should be detached from no.23 and should retain side gap- <i>size and form of house on street is same as previous approval- see para 2.4.</i> 8. Proposal exceeds existing footprint and has front lightwell so BIA is required; <i>size and depth is same as previous approval where BIA was not required- see para 2.1.</i> 9. Limited garden area and planting; <i>garden area and green roof are same as previous approval.</i> 10. Need assurance that existing side access will be maintained to no.23; <i>plans show retention of side access.</i> 11. Replacing 2 flats by one house results in loss of one housing unit; <i>see para 2.1.</i> 12. Construction noise and nuisance; <i>proposed S106 requires CMP- see para 3.2.</i> 13. Loss of property value; <i>not a planning issue.</i>
<p>CAAC/Local groups comments:</p>	<p><u>Hampstead CAAC</u> no response.</p> <p><u>Heath and Hampstead Society</u> object - (<i>officer comments in italics</i>)</p> <ol style="list-style-type: none"> 1. rear of house already extends 4m beyond adjacent houses into small garden which isn't justified; <i>proposed lower ground floor extension was approved last time and new ground floor conservatory is smaller than that- see para 2.7.</i> 2. no details of entrance porch which must be detailed fully due to its prominence; <i>details of porch now provided and revised to reflect nearby ones- see para 2.5.</i> 3. no BIA which does not comply with DP27 as damage can still occur to neighbours and tunnels even if it matches existing basement depth; <i>no BIA is required as no additional excavation below existing lower ground floor is proposed- see para 2.1.</i> 4. 2nd floor balcony could overlook properties at side and rear; <i>2nd floor balcony was approved last time- see para 2.7.</i>

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

No.23 attached to its left side is converted into several flats (one each on basement, ground, 1st and 2nd floors) and is of a Queen Anne design with pitched roof and red brick; no.25 to the right side in contrast has a classical design with stuccoed walls and parapets. This property has a large side garden adjoining the application site containing a replacement cherry tree which is subject of a TPO. The site lies above a railway tunnel.

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

Relevant History

13.9.07 - pp and cac refused for demolition and erection of a replacement 2 storey dwellinghouse with 2 basement levels, plus forecourt parking, lightwell and new boundary enclosure at front, plus projecting balconies and lightwell at rear; *refused for 3 reasons*: inappropriate design and form and materials of new house and harm to the appearance of the streetscene and conservation area; inadequate landscaping potential of the open land and lack of biodiversity value; harm to and potential loss of the adjoining cherry tree.

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

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

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

2.5.14 (ref 2013/8020/P) pp granted (subject to Deed of Variation to previous S106) for demolition of existing dwelling house and erection of a new 3 storey dwellinghouse with lower ground floor rear extension, ground and 1st floor roof terraces, plus forecourt parking, lightwell and new boundary enclosure at the front.

Relevant policies

NPPF 2012

London Plan 2015

LDF Core Strategy and Development Policies

CS1 - Distribution of growth
CS5 - Managing the impact of growth and development
CS6 - Providing quality homes
CS11 - Promoting sustainable and efficient travel
CS13 - Tackling climate change
CS14 - Promoting high quality places and conserving our heritage
CS15 - Protecting and improving open spaces & encouraging biodiversity
CS18 - Dealing with waste
CS19 - Delivering and monitoring the Core Strategy

DP2 - Making full use of Camden's capacity for housing
DP6 - Lifetime homes and wheelchair homes
DP17 - Walking, cycling and public transport
DP18 - Parking standards and the availability of car parking
DP19 - Managing the impact of parking
DP21 - Development connecting to highway network
DP22 - Sustainable construction
DP23 - Water
DP24 - Securing high quality design
DP25 - Conserving Camden's heritage
DP26 - Managing the impact of development on occupiers and neighbours
DP27 - Basements and lightwells

CPG 2015 (1- design, 3- sustainability, 4-basements, 6- amenity, 7- transport, 8- planning obligations)

Assessment

1. Proposal

1.1 This scheme is effectively another variation to the previous approved scheme of 2014 which itself was a variation to the original scheme granted permission in 2012. In brief, the revised scheme retains the overall design concept and size of the approved house but it adds a porch canopy at the front, adds a 'winter garden' conservatory extension on upper ground floor, changes fenestration design and installs new PV panels on the roof. Some of these changes have been necessitated by Network Rail restrictions relating to their tunnels underneath, as part of working up the detailed design of the approved scheme.

Revisions-

1.2 more details of porch and revised design, clarification of obscure glazing on side elevation

1.3 The key differences from the 2014 approved scheme are as follows-

- steeper driveway gradient to front garden;
- loss of previous recess on front elevation and replacement by enlarged hallway;
- erection of enclosed porch canopy at front entrance;
- simplification of window design and slight reconfiguration of rear and side windows;
- replacement of all approved windows by traditional sashes;
- addition of ground floor enclosed 'winter garden' (4m wide, 2m deep, 2.6m high) to replace approved roof terrace on side adjoining no.25, plus relocation of spiral staircase to garden to north side;
- installation of new PV panels on roof behind parapets; and
- reconfiguration of internal layout.

2. Issues

Land use

- 2.1 The principle of a replacement 5 bedroom dwelling house here has been previously accepted. The rearranged internal layout continues to meet Lifetime Home standards. Although the shorter driveway with its steeper slope now exceeds minimum gradient standards, this is considered acceptable given the special circumstances here whereby the existing floorslab has to be completely retained due to restrictions imposed by Network Rail and given the existing change in level (approx. 0.45m) between pavement and ground floor. Furthermore it is compensated by the omission of the previously approved internal ramp in the ground floor. The steeper driveway is necessary to avoid touching the entire basement floorlevel and to retain adequate headroom to the new basement, due to the demands by Network Rail engineers to retain the basement floor slab on account of their tunnels beneath. As with the previous scheme, no excavation is proposed below the existing floor levels due to the retention of the existing foundation slab, thus there is no need for a Basement Impact Assessment compared to the original scheme.
- 2.2 The house meets sustainability targets as before. Revised Code for Sustainable Homes and energy statements submitted confirm that the house will still meet Code level 4 (now replaced) and its targets for energy, materials and water, will have SUDS and a 27% reduction in CO2 emissions, and will now use PV panels to achieve this. The previously approved ground source heat pumps are now no longer considered feasible here, again due to the need to not disturb the railway tunnels underneath, and instead 12 photovoltaic panels are proposed. The approved central flat roof element of the pitched roof will be lowered somewhat to accommodate the panels which will be hidden behind the perimeter roof upstands.

Transport

- 2.3 The revised shorter forecourt still provides an adequate space for both a large car and unimpeded pedestrian access to the entrance door. The side passage to no.23 will remain as existing. The house will be car-capped as before, secured by S106. Refuse and cycle stores are provided in the front garden as before. A CMP will be required as before for the demolition and construction phases, secured by S106.

Design

- 2.4 The principle of demolition and replacement by a higher and wider house in the design proposed has been accepted here. The previous 2014 planning permission for demolition of the existing building in a conservation area and for associated erection of a new house is still valid and thus no further assessment is needed of the demolition issue.
- 2.5 The front porch was proposed in response to the existence of other porch features found on neighbouring Queen Anne houses. The detailed design has been clarified and revised to simplify it and ensure that it better reflects the nearby examples. It now has a solid curved metal roof supported by 3 columns on each side and enclosed by metal mesh screens to allow climbing plants. The modern design is now simple and appropriate for this new house and preserves the character of the street and conservation area. The associated loss of the ground floor entrance recess from the previous scheme is also acceptable and does not harm the overall appearance of the new house.
- 2.6 The various detailed changes to fenestration, including omission of the multi-paned sash design, simplify the house's appearance and are acceptable.
- 2.7 The rear upper ground floor 'winter garden' is actually a timber-framed conservatory of the same size and location as the previously approved roof terrace. It is a small modest and elegantly

designed feature 2m deep 4m wide and set back from the sides of the lower ground floor extension; it will not appreciably add to the bulk and impact of the new house with its other extensions. The relocated spiral staircase to the north side is also small and discreet and has no impact on the overall house design and bulk. It will not be visible in the streetscene nor to houses at the rear in Heath Hurst Road (being masked behind substantial tree screens); it will not affect the setting of adjoining houses which have a different form and design and it will not harm the character and appearance of the conservation area. The other rear extensions at lower ground and 1st floor level are identical to those approved in 2014.

2.8 The PV panels will be hidden behind the roof edges and thus will have no impact on the house, streetscene or conservation area.

2.9 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Landscape

2.10 The new extension will continue to have a green roof over half of it. As required by the previous approval's S106, the adjoining cherry tree (protected by TPO) in the side garden of no.25 has now been felled and replaced by a semi-mature specimen in a slightly different position to enable construction.

Amenity

2.11 There is no change to the height, width or depth of the previously approved house so there will be no further impact on the side windows in the flank wall of 23. The PV panels do not project above the roof so they will not result in any loss of light or outlook.

2.12 The new conservatory addition at rear will not result in any loss of outlook or light to neighbours on either side or at the rear. It was previously considered that, due to the acute angles and distances involved, no overlooking from the roof terrace should occur to rear windows of no.23 or most of its communal garden. This continues to be the case here with a conservatory, so that it is unnecessary to require obscure glazing on the northern side. However as with the previous terrace, it is proposed to require obscure glazing on the south side as a precautionary measure (if the adjoining tree is removed) to prevent garden views to no.25. No views are possible to properties on Heath Hurst Road which are over 30m away and screened by trees. A condition will be attached to prevent use of the green roof for amenity purposes. The side elevation has been updated to clarify that all windows will be obscure glazed above eye level to ensure privacy to no.25. The smaller 1st floor terrace replicates that of the previous approved schemes and, as before, no screening is considered necessary here on either side of this.

Community Infrastructure Levy

2.13 As with the previous scheme, this new scheme is liable for Mayoral CIL and now also for Camden's CIL. Informatives will be attached to advise the applicant of this, based on an uplift of 117sqm.

3. Recommendations

3.1 Grant planning permission subject to same conditions as before, adjusted to refer to the new conservatory rather than previous upper ground floor terrace, and also subject to a Deed of Variation to amend the previous S106. The previous clause to replace the adjoining cherry tree is no longer necessary as this has now been done.

3.2 The S106 clauses are as follows -

- a) car-capped housing;
- b) contribution to footway reconstruction (£4718);
- c) Demolition and Construction Management Plan;
- d) post-construction review to meet anticipated targets

DISCLAIMER

**Decision route to be decided by nominated members on Monday 7th September 2015.
For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.**