

Mr Rob Tulloch
Planning and Build Environment
Camden Council

30th September 2015

Dear Mr. Tulloch,

Town and Country Planning Act 1990
Site at 13 Kemplay Road, London.
Application ref: 2015/4373/P.

I have been appointed by residents on Kemplay Road to review the above application. The application seeks to demolish the existing end of terraced house and erect a 2 storey detached dwelling with basement accommodation.

My comments are as follows.

Impact on the character of terrace and the conservation area.

No. 13 is a modestly sized, end of terraced dwelling. As a group of properties the terrace is unprepossessing. Generally, the terrace does not make a significant contribution to the character of the Conservation Area. However, I agree with the Council's pre-app advice in so far as the simple design of the terrace ensures it does not seek to compete with adjacent properties and Rosslyn Hill Chapel (Grade 2 Listed), which is situated behind the terrace.

Unfortunately this would no longer be the case with the proposed dwelling.

The existing terrace also has a strong visual symmetry in terms of plot width, elevational treatment and roof form. The detached dwelling as proposed would visually disrupt this symmetry in a manner that would be harmful to the character of the terrace and the wider conservation area.

Not only would it physically break up the terrace, but the provision of floor to ceiling height windows in ground and first floor front elevation would appear visually jarring with the more traditional pattern and placement of windows in the terrace. The use of render should also be resisted, given that brick is the predominant facing material.

Light wells

It is noted that the Council has recently granted planning permission of a new dwelling with a basement at No. 5 Kemplay Road (this was probably the catalyst for the current submission).

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However, in that case the impact of the basement was minimised because as designed there was no front light well.

In contrast the submitted drawings show a 1.8m deep, 4.1 m wide front light well. This would take up a large area of the front garden. Further clutter would be added by the creation of a balustrade. However, it is not possible to comment on this because it is not shown on the drawings.

While many of the Victorian townhouses opposite have exposed lower ground floors, 1- storey deep light wells are not a characteristic of the road and should be resisted.

The part hipped, part flat roof.

This is another indication that the applicant is trying to cram too much on the site. In this case the part hipped part flat roof would be visible from the street. This roof form would contrast awkwardly with the modest hipped roof character of the terrace and the hipped character of Rosslyn Hill Chapel.

Other Design issues.

The existing terrace incorporates a stepped ridgeline to reflect the gradient of Kemplay Road. However, this step is missing from the proposed submission.

At the very least the 2-storey element, which incorporates the front entrance to the dwelling, should be stepped to reflect the rhythm of the terrace. Unfortunately this has not been done and given the change in gradient (and the increased depth of the dwelling) then it only serves to exacerbate the impact of the part hipped /part flat roofed flank elevation.

The single storey side element is too wide in proportion to the rest of the house and therefore it fails to achieve the necessary subordinacy.

The proposed dwelling represents the worst of both worlds. It tries but fails to relate to the character of the terrace. Moreover, in trying to copy the design of the terrace it produces what Heath and Hampstead Societies objection letter refers to as '*banal unassuming, of no particular style or character*'.

Actually I disagree with the last part of this sentence. What the applicants have actually produced is a pastiche of a 1970's estate house. This is never a good idea, least of all in the Hampstead Conservation Area.

The application should be refused for the following reasons:

The proposed development by reason of its siting, scale and poor design would represent a cramped and inappropriate form of development that would detract from the character of the adjoining terrace and the wider conservation area. The application is therefore contrary to the Council's Core Strategy Policy CS14 (Promoting High Quality Places and conserving our Heritage) and Development Management Policies DP24 (Securing High Quality design) and DP25 (Conserving Camden's Heritage).

Impact on the setting of Rosslyn Hill Chapel.

Rosslyn Hill Chapel is Grade 2 Listed. According to the Council's Conservation Area appraisal for the Hampstead Conservation area, the application property and the other properties in the terrace have been built on the chapel gardens.

Clearly there is a reason why the terrace ends where it does. Not only does this provide an entry point for the Chapel from Kemplay Road, but as built the existing end terrace only extends across less than ½ the width of the plot, thereby ensuring that one of the few remaining street scene views of the chapel are preserved.

If you look at the proposed site on an aerial map there is also a degree of symmetry to the entry point to the chapel with 'green' areas on either side. This creates an unbroken vista of the chapel's principle gabled elevation. This gap enables the Chapel to be clearly appreciated from the street.

Unfortunately the proposed dwelling would extend across the full width of the plot, (give or take a 1m gap to the side boundary). This would unacceptably intrude into the existing view of the chapel and it would harm its setting. The harm to the setting of the chapel is exacerbated, as it would be viewed against the white rendered, flat roofed 'blockhouse' appearance of the single storey element.

Para 133 of The NPPF states that in circumstances where a development proposal will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrate that this harm is necessary to achieve substantial public benefits.

Even if the Council considers the proposals would create less than substantial harm, **Paragraph 134 of the NPPF** still requires the council to consider the public benefits of a proposal.

A review of the applicant's heritage statement and design and access statement reveals that no such argument or justification has been provided in relation to the public benefits of the development. In fact both documents fails to mention that the chapel is listed. Under the circumstances this is a glaring omission.

The application should be refused for the following reason.

The proposed development by reason of its siting height and proximity to the Grade 2 Listed Rosslyn Chapel would by reason of its siting, scale and design would detract from the setting and architectural significance of this historic building. The application is therefore contrary to the Council's Core Strategy Policy CS14 (Promoting high Quality Places and conserving our Heritage) and Development Management Policies DP24 (Securing High Quality design) and DP25 (Conserving Camden's Heritage).

Neighbourhood amenity.

The applicants have drawn a notional 45-degree line to indicate an acceptable relationship between the proposed rearward projection of the dwelling and the nearest windows in No. 15.

Firstly, the line is incorrectly drawn. It should be from the mid point of a window.

Secondly, the 45-degree test is not really an accurate method to gauge the acceptability of a development. The only way is a BRE compliant daylight/sunlight report. However, no report has been submitted with the application.

Thirdly, this does not take into account loss of outlook or enclosure. In this case the rear of No. 15 shares with No. 13 what appears to be a small (council erected) toilet block extension. However, as proposed the 2-storey flank wall would project 2m beyond the principle rear elevation of No. 15. This would appear overbearing and dominant if seen from the garden of this property.

The application should be refused for the following reason:

The applicant has failed to demonstrate that the siting, scale and siting of the proposed dwelling would not harm conditions of daylight and sunlight for the adjoining occupiers. Furthermore, the proposed dwelling by reason of its siting and height would unacceptably harm the conditions of outlook of the adjoining occupiers. The application is therefore contrary to the Council's development Management Plan Policy DP26 (Managing the Impact of Development on occupiers and neighbours).

Parking

The property currently has no off –street parking. The creation of an off street parking space and dropped kerb would be out of keeping with the character of Kemplay Road and would harm the character of the conservation area as few if any properties have off –street parking and their front gardens are intact.

In this regard it is noted that the permission relating to the re –development of no. 5 Kemplay Road had a layout with an off street parking space. However, the original property already benefitted from an off –street space.

The creation of a dropped kerb would also lead to the loss of an on –street space. This is unacceptable in an area that suffers from high parking stress.

The depth of the parking space on the forecourt is too shallow. It should be 6m deep.

The submitted ground floor plan shows one uncovered cycle parking space. This is inadequate. Two covered and secure spaces should be provided.

The application should be refused for the following reason:

The creation of an off street parking area would be at odds with the character of the Hampstead conservation area. It would also lead to the loss of an on –street parking space in an area of identified high parking stress. Moreover the vehicular and cycle parking layout as shown on the submitted layout plan is inadequate and fails to meet the requirement of Development Management Plan Policy DP18 (Parking Standards and Limiting the Availability of parking) and table 6.3 (Cycle parking Standards) of the further amendments to the London Plan (FALP) (2015).

The basement impact assessment.

The submitted basement impact assessment is inadequate. It does not consider the impact of the basement on adjoining properties. Unlike the basement impact assessment report that was submitted with the application to erect the new house at no. 5 Kemplay Road, this is purely a desktop report. No borehole investigations have been carried out to determine the soil strata.

The application should be refused for the following reason

The applicant has failed to demonstrate that the proposed basement would not have a detrimental effect on the local groundwater environment and /or cause undue harm to the amenity of neighbouring occupiers. The application is therefore contrary to Development Management plan policy DP 23 (Water), DP24 (Securing High Quality Design), DP26 (Managing the Impact of development on occupiers and neighbours) and Camden's Planning Guidance CPG 4 (Basements and light wells).

Trees.

There are several mature trees on the site and in the neighbouring grounds of the chapel. However, no arboricultural report has been submitted with the application to determine the quality of these trees and whether any would be harmed as a result of the construction of the development.

A mature street tree in the front garden would be felled to accommodate the driveway. This in itself may not be a problem as it is noted the tree has a split trunk and therefore it might be acceptable to remove this tree. However, in the absence of any assessment from a qualified arboriculturist this matter cannot be accurately assessed.

The application should be refused for the following reason:

The applicant has failed to demonstrate that the siting and form of the proposed dwelling (and its construction) would not harm mature trees in the front garden of the property and the adjoining chapel grounds. The application is therefore contrary to Development Management Plan Policy DP24 (Securing High Quality Design).

Conclusion.

The current submission appears to have been the subject of a pre-app with the Council. The outcome of the pre –app is not clear. However, as the Council is aware any pre –app advice or views expressed by officers is not binding. Therefore if the council gave a favourable response then they are politely requested to review this in the light of the stated concerns in this letter and refuse the application.

Yours sincerely,

Andrew Hollins
Consultant Chartered Planner
MA MRTPI