

Our Ref: 15.758

3 December 2015

David Peres Da Costa

London Borough of Camden
5 Pancras Square
London
N1C 4AG

Dear David,

Re: 9 St George's Terrace
LBC Ref: 2014/7274/P and 2014/7336/L

We have been instructed by the Applicant on this site to review the application and advice received to date from Camden. I have been asked specifically to advise on the merits of the application and its likelihood of success of achieving planning permission from Camden and, if necessary, at appeal.

Background

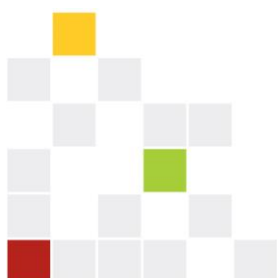
The application is for alterations and extensions to the Grade II listed building, which was originally built as a house (c.1852) as part of a grand terrace on the north side of Primrose Hill. The building, which is basement, three storeys and mansard, is notably set back from and subservient to its neighbours in being set back from the main elevation, slightly narrower and lower. No.3 St George's Terrace exhibits the same form, which appears to be an architectural device to account for the slope of the street, downwards from west to east towards Regent's Park Road.

The site is also in the Primrose Hill Conservation Area.

The house has, like the majority of its neighbours in the terrace, been converted to flats. The application relates to the lower ground floor flat which is arranged as a one-bedroom flat. The conversion to flats has substantially altered the lower ground floor layout and resulted in external changes to the building including new openings. There is a lean-to conservatory extension in the side return.

The rear garden of the property has been heavily altered, resulting in a high and steep terraced mound of earth to the rear of the property atop which is a paved terrace area. The mound is uncharacteristic of the area and enables overlooking of neighbouring gardens and residential habitable room windows.

Applications for planning permission and listed building consent were submitted in late 2014 for a rear extension involving excavation of the earth mound to create a level-access extension and garden area, and internal alterations. Camden considered the application to be basement development and required a BIA to accompany the application, which was submitted. The Council's appointed consultant has reviewed the submitted BIA and made comments on it, specifically requiring responses to questions. The Applicant has recently submitted responses to the questions and is confident these matters will be resolved shortly. A Heritage statement was also submitted with the original application.



There were objections to the proposals primarily on impacts arising from excavation, and the consequent risk of harm to neighbouring buildings, although some concerns over impacts on the designated heritage asset were also raised.

The applications have been subsequently amended following officer advice and comments from neighbours and the local CAAC. The revised proposals were supported by a detailed heritage assessment by independent heritage consultant Paul Velluet.

The revised proposals were recently consulted on and the consultation period has closed. Comments currently published online indicate that local concerns remain primarily with matters of structural stability, although there is some objection on grounds of mostly unspecified harm to the character of the listed building and loss of garden.

Assessment

The main matters for the applications can broadly be separated into those relating to excavation relating to the proposed development, and those relating to design and heritage.

The matters relating to excavation of the property and its consequent impacts on the stability of the building and its neighbours, and on groundwater, are being addressed separately between the Applicant's BIA consultant (Chelmer) and the Council's consultant (Campbell Reith). Chelmer have prepared a revised BIA during the application process and provided responses to Campbell Reith's questions. We are confident that Campbell Reith's questions can be resolved and Campbell Reith will be able to confirm very shortly that the proposals are sound from the perspective of impacts arising from excavation, subject to necessary planning conditions or s106 obligations. We therefore do not intend to address these matters further in this letter.

Heritage

The revised proposals were supported by an independent Heritage Assessment by an established heritage consultant, Paul Velluet. Mr Velluet concluded that officer objections on the proposals to date fell well short of demonstrating that the proposals would not preserve the special architectural and historic interest of the property, or sustain its significance as a heritage asset. His assessment is that the proposals would preserve its interest and significance, and that of the Primrose Hill Conservation Area.

Our assessment concurs with that of Mr Velluet. We consider the revised proposals to be modest in scale and subordinate to the listed building. The proposed development in the rear garden would be at single-storey height at lower ground floor level where its potential to have any impact on the setting or special architectural interest of the building is very limited.

Your assessment to date does not adequately consider the proposals in their context or their entirety. You state that "an objection to the principle of a basement of this size", when the proposed development does not propose a basement.

You consider the proposals slavishly against your guidance on extensions and criticise the proposed development as being "essentially" a full-width extension. The proposed development is not a conventional extension, but a stand-alone development in the area currently occupied by the mound of earth. It is deliberately and sensitively stepped away from the main building, linked only by a lightweight glazed structure that would enable the listed building to retain its significance. A solution to your criticism might be to create a "step" in the rear elevation, which would be a senseless amendment given it would achieve nothing in visual terms given the position of the elevation; it would be seen and appreciated from any vantage as a full-width elevation. The pointlessness of this serves to demonstrate that the rigid application of guidance in this case is inappropriate, and that a wider view must be taken.

Equally, applying paragraph 2.65 of CPG4 is not appropriate. Paragraph 2.65 states that proposals for basement development that take up the whole rear garden of a property are very unlikely to be acceptable. Sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. Leaving aside that the proposals are not "basement development" (there is no basement being created, more a garden pavilion), the proposals do leave sufficient margin for trees and natural processes. The amount

of garden provided would be more than adequate to sustain the growth and mature development of the characteristic tree species and vegetation of the area. It would ensure that the site can maintain a greater biodiversity function for flora and fauna than it is currently capable of doing.

Furthermore, the proposed development must also be considered in the context of what is currently there, and the harm it causes to the setting of the building and the conservation area. The existing mound of earth is a significant anomaly in the local townscape that is overbearing and unattractive and harms the setting and special architectural and historic interest of the building and the character and appearance of the conservation area. It also enables occupiers of the flat to climb to its top, which is above the level of the ground floor flat above, and overlook numerous gardens and windows. The proposed development enables the mound to be done away with and replaced with a more usable and sensitive development that would preserve not only the special architectural interest of the, and the setting of adjoining properties by removing the impact the mound causes on them, but would also enhance the privacy of neighbouring properties by removing the elevated terrace. The proposed garden would be unconventional, but high-quality design and provide a suitable amount and quality of amenity space for a dwelling of this type and location.

The existing conservatory is also an unattractive later addition to the property which is harmful to its significance, filling in the original side return with a structure that is of limited architectural merit and quality. The proposals would remove the conservatory and reinstate the side return as courtyard.

We do not accept officers' assertions that the proposals would "remove the established and expected historic character and hierarchy of this lower ground floor flat". The lower ground floor flat is itself, in its entirety, a non-original arrangement of the lower ground floor of the building which was originally a house. Its hierarchy has already been altered with no realistic prospect of it being returned to a single house.

You also state that "the creation of a basement of large volume main rooms" would harm the significance of the listed building but this is not substantiated. You seem to be applying the reasoning applied in the dismissed appeal against development of a sub-basement level at 12 Chamberlain Street, which is a materially different situation because the proposal in that case was to create a large sub-basement level beneath the main house which would have an effect on its hierarchy. However Camden approved a full-garden basement development to the same property, which would create a much larger space than proposed here at St George's Terrace, with no concern about the impact of that development on the hierarchy of spaces. We therefore do not consider impact on the building's architectural or historic interest can be substantiated in terms of hierarchy of spaces.

You also refer to harm to an internal chimney breast which we consider to be a misunderstanding of the drawings; the chimney breast would be left as is and a setback provided between the chimney breast and the proposed en suite wall.

In summary, we strongly consider the proposed development would preserve the special architectural and historic interest of the listed building and the character and appearance of the conservation area. There would be no harm to the significance of both heritage assets. In any case, we consider that even should the Council be able to demonstrate harm, it would be no more than minor, and (pursuant to paragraph 134 of the NPPF) the public benefits of the development would outweigh that harm. Public benefits include creation of a two-bed unit for which there is greater need in Camden, removal of the conservatory and the mound of earth and consequent improvement to the setting of listed buildings and the character and appearance of the conservation area, and removal of the overlooking and other potential amenity impacts caused by the elevated terrace.

We therefore strongly consider the proposals are acceptable in terms of design and heritage. We are confident that matters relating to excavation will be resolved shortly, and that there are no other material considerations that indicate permission should be withheld. We trust you will reconsider your previous position on the application before determining it.

Please call if you would like to discuss the proposals or any of the contents of this letter.

Yours sincerely,

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