

Address:	Heath House, North End Way, London, NW3 7ET	
Application Number:	2008/0661/P	Officer: Charles Thuaire
Ward:	Hampstead Town	
Date Received:	25/01/2008	
Proposal: Demolition of garage block and erection of new west side wing comprising basement, lower ground, ground and 1st floors including double garage; erection of rear ground floor conservatory extension; remodelling of roofs of main house and east side wing; various external alterations; and associated landscaping including new walled courtyard to rear of garage wing.		
Drawing Numbers: Drawing No, 1017/OS-01A; S02; S03; S04; S06; S07; S08; S09; S10; S13; S14; 1017/AP01E; 02E; 03D; 04; 05; 06B; 07B; 08B; 09B; 10B; 13; Arboricultural Report (ArbTech Consulting Ltd) and associated plans; 7181.30.06; Landscape Strategy statement July 2008; EcoHomes Design Stage Pre Assessment dated 15.1.08; Preliminary Energy Study dated 15.1.08; email from Southfacing dated 4.7.08 photomontage(x1)		
RECOMMENDATION SUMMARY: Granted Subject to a Section 106 Legal Agreement		
<u>Related Application</u>		
Date of Application:	25/01/2008	
Application Number:	2008/0662/L	
Proposal: Demolition of garage block and erection of new west side wing comprising basement, lower ground, ground and 1st floors including double garage; erection of rear ground floor conservatory extension; remodelling of roofs of main house and east side wing; various external and internal alterations; and associated landscaping including new walled courtyard to rear of garage wing		
Drawing Numbers: Drawing No, 1017/OS-01A; S02; S03; S04; S06; S07; S08; S09; S10; S13; S14; 1017/AP01E; 02E; 03D; 04; 05; 06B; 07B; 08B; 09B; 10B; 13; 1017/D01 – 09; Arboricultural Report (ArbTech Consulting Ltd) and associated plans; 7181.30.06; Landscape Strategy statement July 2008; EcoHomes Design Stage Pre Assessment dated 15.1.08; Preliminary Energy Study dated 15.1.08; email from Southfacing dated 4.7.08 photomontage(x1)		
RECOMMENDATION SUMMARY: Grant Listed Building Consent		

Address:	Heath Park (formerly the Annexe), North End Way, London, NW3 7ET	
Application Number:	2008/0663/P	Officer: Charles Thuaire
Ward:	Hampstead Town	
Date Received:	25/01/2008	
Proposal: Demolition of existing dwelling house and ancillary structures and erection of a new basement and 2 storey dwellinghouse with basement double garage, access ramp, and associated landscaping and vehicular access off North End Way.		
Drawing Numbers: Drawing No, 5218/0001; 0002; 0007; 1001 rev B; 1002 rev B; 1003 rev B; 1004 rev C; 1005 rev B; 1006 rev B; 2001 rev A; 2002 rev A; 17195A/2/1; 17195A/2/2; 17195A/3/1; 17195A/4/1; 5218/1020; HL(0)01 rev P5; HL(0)01 rev P5; Photomontages x 4; Checklist of Compliance with Lifetime Homes Standards; Sustainable Energy Preliminary Report dated 15.1.08; Code for Sustainable Homes Design Stage Pre Assessment dated 6.5.08, plus email from Southfacing dated 4.7.08; 7181.30.06; Arboricultural report (ArbTech Consulting Ltd) and associated plans		
RECOMMENDATION SUMMARY: Granted Subject to a Section 106 Legal Agreement		
<u>Related Application</u>		
Date of Application:	25/01/2008	
Application Number:	2008/0665/C	
Proposal: Demolition of existing dwelling and ancillary structures.		
Drawing Numbers: Drawing No's, 17195A/2/1; 17195A/2/2; 17195A/3/1; 17195A/4/1.		
RECOMMENDATION SUMMARY: Grant Conservation Area Consent		

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Address:	Heath House, North End Way, London, NW3 7ET	
Application Number:	2008/1181/P	Officer: Charles Thuaire
Ward:	Hampstead Town	
Date Received:	04/03/2008	
Proposal:	Enlargement of existing vehicular access from North End Way with associated new gates and gate piers.	
Drawing Numbers:	Drawing No, 1017/GW OS01; GW01; GW02; GW03; GW04; GW05; GW06; TCP-01A.	
RECOMMENDATION SUMMARY: Granted Planning Permission		
Related Application		
Date of Application:	04/03/2008	
Application Number:	2008/0658/L	
Proposal:	Enlargement of existing vehicular access from North End Way with associated new gates and gate piers, and restoration works to boundary wall of entire site.	
Drawing Numbers:	Drawing No, 1017/GW OS01; GW01; GW02; GW03; GW04; GW05; GW06; TCP-01A.	
RECOMMENDATION SUMMARY: Grant Listed Building Consent		
Applicant (For All Applications):-	Agent (For All Applications):-	
Heath House Property Partnership c/o Agent	Montagu Evans 6-12 Clarges Street LONDON W1J 8HB	

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ANALYSIS INFORMATION

Heath House

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		1238m ²
Proposed	C3 Dwelling House		1715m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Dwellinghouse									1
Proposed	Dwellinghouse							1		

Heath Park

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		731m ²
Proposed	C3 Dwelling House		2311m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Dwellinghouse				1					
Proposed	Dwellinghouse						1			

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OFFICERS' REPORT

This application is being reported to the Committee as it entails development on Private Open Space (hence a departure from local plan policy- Clause 3vii), demolition of a building in a conservation area (Clause 3v), and works subject to a S106 legal agreement (Clause 3vi).

1. SITE

- 1.1 The site is large inverted triangular shaped site bounded by Spaniards Road on the east, North End Way on the west side and Hampstead Heath on the north; on the southern point of the site is the roundabout between both roads and lies north of Whitestone Pond. The site contains 2 large detached dwelling houses: Heath House on the southern corner and an annex (named as "Heath Park" by the applicant) on the northern boundary.
- 1.2 Heath House is an attractive early Georgian mansion listed Grade 2*. It consists of a symmetrically-arranged main house comprising 2 storeys, a lower ground floor plus an attic floor with dormer windows at front, plus a raised terrace at the rear. The house has a 2 storey high east wing with roof terrace above bounded by a prominent balustrade. The house was originally built in 1700-20 but much altered since, especially after bomb damage during the war when the building was partly destroyed and the east side wing since rebuilt in an unsympathetic manner. There is a single storey double garage wing dating from the 1950's on the west side facing a rear courtyard and accessed from North End Way. The house has 9 bedrooms and various reception rooms. It has been unused for many years and is currently vacant and seriously dilapidated, its appearance worsened by the addition of incongruous security grilles on the windows.
- 1.3 The annex at the rear of the site consists of a single storey pool house comprising a centrally placed double height swimming pool around which are placed reception rooms, office and 4 bedrooms. It is again symmetrically designed as a large barn-like structure with pitched roof and 2 projecting gables on either side plus rear canopy. It was built in the early 1980's following permission in 1979 (see history) and has no architectural significance. To its west is a small staff house plus a hard surfaced tennis court. The annex was built as an ancillary leisure complex to the main house, but it has been effectively used by the previous owners as a separate dwelling house for over 5 years in preference to the listed building. Its use as an independent dwelling is now lawful (see history).
- 1.4 The whole site is bounded by a high brick wall on 3 sides, with railings on the southern frontage facing the roundabout; the boundaries are listed Grade 2. The house has 2 pairs of entrance gates with railings on either side of the war memorial facing the roundabout, providing a formal entrance to the front garden with curved drive; in addition there is an entrance with timber gates on North End Way to provide access to the side garage and the rear annex. The house also has a paved terrace area immediately on its rear northern side. The garden between the house and annex is laid out informally to grass, with trees and shrubs mainly on the perimeter including some mature lime trees on the eastern side. Twelve trees on the site are subject to TPO's. The roadside verges along the boundaries of the site on west and eastern sides are natural vegetated with shrubs and trees, those on

the North End Way frontage being mature planes; the Spaniards Rd frontage also has a bus stop with shelter.

- 1.5 The whole site is within Hampstead conservation area. It is also designated in the UDP schedule of open spaces as site 180 and entirely within Private Open Space (POS) and Metropolitan Open Land (MOL), except for the footprints of both house and annex which are specifically excluded. However there are discrepancies in terms of built footprints as shown on the Ordnance Survey map, the adopted UDP map designations and the actual buildings themselves, so that parts of both these buildings are actually within MOL designated land. This matter is discussed more fully in the assessment section below as it has implications for the assessment of the scheme in line with UDP policies N1 and N2 on MOL and POS.
- 1.6 The site is surrounded by Hampstead Heath on all 3 sides, ie. to the west, east and north, which is also designated as MOL. To the northwest is Inverforth House, converted into flats and listed Grade 2. To the southwest lies Jack Straws Castle and Old Court House, both recently converted into flats. The former is 1960's pastiche of a 18th C coaching inn and the latter is a 1780's Georgian house; both are listed Grade 2. Immediately adjoining the south entrance of the site facing the roundabout is a war memorial built in 1922. All these buildings and structures are also within Hampstead conservation area. The whole site in common with adjoining areas is within an Archaeological Priority Area.
- 1.7 Heath House is prominently sited on the brow of the hill as viewed from Whitestone Pond and presents a focal feature behind the war memorial as one arrives at the roundabout where both roads diverge on either side of the site. The Hampstead Conservation Area Statement states that Heath House together with Jack Straws Castle and Old Court House form a distinguished group of buildings around the war memorial at this road junction. The roof of the annex is only visible in limited views from North End Way and Spaniards Rd.

2. THE PROPOSAL

Original

- 2.1 Heath House- (planning and listed building applications) demolition of garage block and erection of new west wing comprising basement, lower ground, ground and 1st floors plus garage; erection of rear conservatory extension; remodelling of roofs of both main house and east side wing; various external and internal alterations, associated landscaping including new walled courtyard to rear of new garage wing
- 2.2 Heath Park- (planning and conservation area applications) demolition of annex building and replacement by a new basement and 2 storey dwelling house in classical design with rendered elevations, plus basement carpark and ramp, and associated landscaping including new sunken terraced area; demolition of staff house.
- 2.3 Entrance gates- (planning and listed building applications) widening of existing entrance gates and piers on North End Way.
- 2.4 Landscape- (for whole site) relandscaping of whole site with natural planted boundary created to form division between parkland area of Park and formal

gardens of House; public realm improvements to boundary verges on west and east sides of site in terms of new surfaces and planting.

Revision 1

- 2.5 Revised landscape plan showing softer division in garden without wall/railings

Revision 2

- 2.6 Revised montages and tree planting layout in garden

Revision 3

- 2.7 Redesigned west side wing to House, omitting lift tower and extending attic storey along whole length of wing

Revision 4

- 2.8 Redesigned elevations of Park, omitting roof and replacing render by brick plus other design changes; readjusted site division to give more garden area to House.

3. RELEVANT HISTORY

- 3.1 20.3.79- pp granted for detached pool annex at rear garden, with condition restricting its use as ancillary accommodation to main house only.
- 3.2 10.10.07- certificate of lawfulness for use as annex as separate dwelling house (Class C3)

4. CONSULTATIONS

Statutory Consultees

4.1 English Heritage-

a) Heath House- consider repair and refurbishment beneficial and extension/alterations to be acceptable. Issued direction to grant LB consent with conditions, without need to refer to GOL.

Revision- no objection, revised direction awaited

b) Heath Park- do not object to demolition of pool house which detracts from setting of LB; do not object to replacement building and consider its increased height is mitigated by topography and distance from listed building to prevent harm to setting of LB. Consider significant environmental improvements should be secured by S106 to public realm in terms of paths, boundaries and war memorial.

Revision- no objection

c) entrance gates- issued direction to grant LB consent with conditions, without need to refer to GOL.

d) archaeology- neither building has any affect on archaeological remains thus no requirement for further assessment of site.

Conservation Area Advisory Committee

4.2 **Hampstead CAAC-**

a) Heath House- demolition of west wing gives potential gain in MOL; proposed increase in floor area only marginally encroaches onto MOL; do not object to basement and the west wing would serve to enhance regrettable addition to east; this enlargement may be necessary price for refurbishment of this LB after its very hard life.

b) Heath Park- increase in floorspace is accounted by 1st floor and basement; consider the proposal to be an indifferent piece of 18thC pastiche; dislike the unresolved duality between ground and 1st floors on south elevation; constitutes dubious improvement on existing building but, as both are thankfully largely invisible from public view, we do not object.

(Revisions- no consultation)

Local Groups

4.3 **Heath and Hampstead Society-**

a) Heath House- raises issue of discrepancies between UDP designated land of MOL and surveyed built footprint and queries variations between existing and proposed encroachments onto MOL; objects to material increase by 20% of floorspace within MOL contrary to policy following Garden House judgement; supports restoration of house itself, landscaping and public realm improvements.

b) Heath Park- welcome demolition of existing building; similar footprint and demolition of staff house means a probable increase in MOL area, hence no objection on MOL grounds, although they note that there are dimensional discrepancies between UDP map and submitted plans; landscaping and internal site layout welcomed; concerned that new house will be more intrusive than existing one when viewed from north for which no photomontages have been prepared to show impact; 2 tall fake chimneys are quite intrusive; architecture is a notable example of Robert Adam's period style but would prefer brickwork rather than render and stone.

(Revisions- no consultation)

4.4 **War Memorials Trust** comment - support any works to repair and restore memorial.

Adjoining Occupiers

4.5 Heath House.

<i>Number of Letters Sent</i>	14
<i>Number of responses Received</i>	05
<i>Number in Support</i>	05
<i>Number of Objections</i>	00

Support restoration of dilapidated house to its former glory.
 One resident of Oakhill Avenue objects to doubling in size of house which is out of character with existing house.

Heath Park

<i>Number of Letters Sent</i>	23
<i>Number of responses Received</i>	03
<i>Number in Support</i>	01
<i>Number of Objections</i>	02

One resident of Oakhill Avenue objects to redevelopment of annex by nasty very large new house out of character with existing annex. One resident of Inverforth House objects if proposed house impairs existing views and entails further traffic on congested road; states that any additional development can only be harmful in this unique position.

5. POLICIES

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Camden Replacement Unitary Development Plan 2006

- 5.1 SD1 quality of life (*complies*)
- SD2 planning obligations (*complies*)
- SD6 neighbour amenity (*complies*)
- SD8 noise disturbance (*complies*)
- SD9 resources and energy (*complies subject to S106*)
- SD12 development waste (*complies*)
- H1 new housing (*complies*)
- H2 affordable housing (*complies*)
- H7 lifetime homes (*complies*)
- B1 design principles (*complies*)
- B3 alterations and extensions (*complies*)
- B6 listed buildings (*complies*)
- B7 conservation areas (*complies*)
- B8 archaeological heritage (*complies*)
- B9 views (*complies*)
- N1 Metropolitan open land (*partially complies*)
- N2 protecting open space (*complies*)
- N5 biodiversity (*complies*)
- N8 trees (*complies*)
- T3 pedestrians and cycling (*complies*)
- T7 residential parking (*complies*)
- T12 works affecting highways (*complies subject to S106*)

Camden Planning Guidance

- 5.2 Demolition in conservation areas, parking standards
Hampstead Conservation Area Statement

6. ASSESSMENT

- 6.1 The principal considerations material to the determination of these applications are summarised as follows: landuse policy in relation to residential dwellings and development on MOL and POS; impact of extensions and alterations to Heath House on listed building and conservation area; demolition of annex building in conservation area; design and bulk of replacement house at Heath Park and impact on setting of listed building and conservation area; landscape and trees; impact on neighbour amenities and parking conditions; sustainability issues; public realm improvements.
- 6.2 The schemes have been revised to meet officer concerns and are the result of extensive negotiations and discussions over a lengthy period with the applicant's team.

Proposal

- 6.3 Heath House- The main house will be restored and refurbished with various external alterations plus a new roof with replacement front dormers, new rear dormers, steeper pitch and a symmetrical profile covering the whole house; erection of "winter garden" rear conservatory extension on existing raised terrace. The east side wing will have its fenestration altered at front and the balustrade replaced by a lower one. The west garage wing will be demolished and rebuilt by a new basement, 2 storey plus attic wing with dormers situated broadly within existing built footprint (except for the basement). It will accommodate basement swimming pool, gym, plant etc; lower ground floor double garage, playroom, etc; ground floor kitchen/diner, and 1st floor bedrooms. The projecting stair/lift tower adjoining the flank wall of the house has been revised following officer concerns so that the lift is accommodated within the pitched roof with only a minor lift overrun. Various internal alterations in terms of partitions are proposed in the original house and east wing. The resulting house will accommodate 7 bedrooms. The rear garage will face a rearranged courtyard and be accessed from relocated entrance gates on North End Way.
- 6.4 Heath Park- The pool annex will be demolished and replaced by a new basement and 2 storey dwelling house on the same footprint of the existing building, accommodating a basement media room, pool, gym, stores and staff accommodation at the rear with associated lightwells; reception rooms at ground floor and 6 bedrooms at 1st floor. The basement will be extended under the existing tennis court to the west to contain parking for 2 cars, plant room, stores etc, plus a curved access ramp up to garden level. The staff house will be demolished. The entrance to the house will be on the west side facing a hard surfaced courtyard and vehicular access will be from the North End Way entrance via a driveway alongside the boundary wall as at present. The building as originally proposed is designed in a neo-classical idiom with rendered facades, Greek Doric columns, central pedimented portico, flanking side gable wings and slate pitched roof. The design has been amended following officer concerns to omit the pitched roof above the

parapet, reduce the size of pediment and numbers of windows, and replace the majority of render by brick. The parapet line is level with the existing roof ridge height, with the pediment about 1.5m higher than this. In order to achieve this similar height, the building has been sunken into the garden so that the ground floor is effectively at semi-basement level.

- 6.5 Landscape- Heath House will have a formal front garden with curved drive as at present adjoining the roundabout; an entrance courtyard adjoining the garden to the west side; at rear there will be an extended formal garden with woodland garden on the west and east edges. Heath Park will have a sunken formal terrace on its main south façade, an entrance courtyard on the east side adjoining the carpark ramp, and an informal grassed lawn in the middle. Following officer concerns, the scheme has been revised to shift the hedge boundary between both dwellings so that the central garden area split between both sites is approximately the same.
- 6.6 The entrance on North End Way will be widened by approx 1m towards Heath House to create a new joint vehicular access for both houses; the gates will be replaced, gate piers rebuilt to match the existing right hand one with stone balls added, and the adjoining wall sections raised in height to match the existing wall. The whole boundary wall will be repaired and repointed where necessary.

Landuse

- 6.7 The return of both houses to beneficial residential use, particularly in the case of Heath House which has been apparently vacant for over 20 years, is welcomed in line with policy H1.
- 6.8 The west side wing to Heath House incorporates a lift and staircase connected to the main house which will provide disabled access to the principal rooms of the main house on all floors except the 2nd/attic floor, as well as all floors of the new side wing itself. This is welcome and ensures that Lifetime Home standards are achieved as far as possible within the constraints of the listed building.
- 6.9 The new building at Heath Park is designed to ensure compliance with Part M of the Building Regulations and all applicable Lifetime Home standards, which is acceptable.
- 6.10 Both new houses will provide substantial family sized dwellings and comply with housing policy on mix and with relevant residential standards and complies with housing standards in terms of room sizes, orientation, daylight etc. It is proposed that, notwithstanding the restrictions of MOL designations, permitted development rights should be removed for Heath Park to prevent further uncontrolled extensions.
- 6.11 The pool annex has lawful use as a dwelling house (following its Certificate of Lawfulness granted last year) and thus its replacement by a new larger dwelling house is acceptable in principle. The new house at Heath Park totals 2311 sqm, of which 1687 sqm is habitable floorspace according to CPG definitions; this represents a substantial increase in floorspace over the existing house by approx. 1580 sqm. In theory at least, the building with over 1500 sqm floorspace has the capacity to create 10 or 15 units; thus, in line with UDP policy H2, developments

with a capacity for 15 or more dwellings should make a contribution to affordable housing. The Mayor of London Plan has reduced this threshold to 10 units. However there are on-site constraints in providing such additional dwellings here. The MOL designations mean that no further development can be provided elsewhere on the site beyond the existing built footprints. Moreover the existing vehicular access onto North End Way is constrained because of the entrance size and location and because of road conditions and thus is not capable of accommodating additional traffic for 10 or more dwellings. The location of this site, poorly served by public transport services, means that car-free housing is not an option. It is therefore concluded that the site does not have the capacity to accommodate 10-15 flats and therefore the policy H2 requiring affordable housing is not triggered.

- 6.12 It is noted also that much of the additional floorspace created by the new house is actually non-habitable space and, according to CPG guidance, cannot be treated as contributing to the overall house's habitable size in relation to policy H2. The basement largely contains non-habitable garaging, stores, pool, etc and thus the net increase in habitable floorspace is 956 sqm, which is below both the Mayor of London Plan and UDP thresholds for requiring affordable housing.
- 6.13 As the development does not entail an increase in number of dwellings, no financial contributions are required for public open space or educational facilities.

Metropolitan Open Land/Private Open Space policy

- 6.14 The situation on MOL designations on this site is very confused (see para 1.5 above). The site is also unique in the borough in having the buildings themselves excluded from MOL status. Moreover reference needs to be made to the Garden House judgement earlier this year whereby the Council was criticised by both the High Court and Court of Appeal which quashed the Council's decision to grant planning permission for a replacement house on MOL. The relevant UDP Policy on MOL is N1. Regard should also be had to the guidance in PPG2 on Green Belts as MOL has the same protected status as Green Belt.

Metropolitan Open Land

- 6.15 Policy N1 states as follows:-

N1 - Metropolitan Open Land

The Council will only grant planning permission for appropriate development on Metropolitan Open Land. Appropriate development is considered to be: g) the limited extension, alteration or replacement of existing dwellings.

As MOL is covered by the same presumption against inappropriate development as Green Belt land, PPG2 on Green Belts is also relevant.

Para 3.2 of PPG2 states that Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against

inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

PPG2 goes on to state

3.4 The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes ... limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below)...

3.6 Provided that it does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate in Green Belts. The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable.

The Court in the Garden House case made it clear that, when considering if a building is materially larger, a simple calculation should be made under which regard should be had not only to floorspace but also volume and footprint, as a means of measurement of comparison in size. PPG2 (para 3.2) further states that very special circumstances to justify inappropriate development will not exist unless harm by reason of this inappropriateness is clearly outweighed by other considerations.

- 6.16 The footprints of Heath House and the rear pool annex are excluded from MOL status, presumably with the intention to only restrict development on the surrounding garden, thus the restrictions of these policies can only apply to extensions beyond the “exclusion zone”. However the UDP map does not accurately show the existing buildings’ footprints in both cases: the rear part of the west garage wing and the rear raised terrace of Heath House are actually within MOL and the front and rear canopies of the pool house are also within MOL. It is considered unreasonable to prevent replacement of built floorspace on these areas on account of a drafting error in the UDP mapping process. Nevertheless new floorspace on these areas needs to be assessed strictly against policy N1 on the basis that the adopted UDP map represents an up-to-date legal document.
- 6.17 **Heath House-** the differences between existing built footprint, MOL “exclusion zone” and proposed built floorspace are complicated. Essentially the new west side wing on its upper ground and 1st floors will match approximately the area of MOL exclusion zone here and thus this element will not contravene policy N1. However the new lower ground floor will extend further than the exclusion zone, to include part of the existing rear garage wing footprint “incorrectly” shown as MOL as well as projecting further to provide a squared-off western side and a small infill next to the main house. The proposed basement extends completely under the existing garage wing (and beyond it as above) thus half of its floorspace will be within MOL. Finally the proposed upper ground conservatory and lower ground rear addition will be above and under the existing raised terrace which is also within MOL.
- 6.18 It is calculated that the total floorspace of the extensions within MOL will be 207 sqm, of which 164sqm is actually within existing built footprint as explained above.

The existing house and garage wing has approx 1447 sqm gross floorspace. The upper ground floor conservatory extension plus the lower ground floor garage and terrace extensions (all within existing built footprints) and some minor lower ground floor additions total approx 117 sqm in floorspace. These are considered to be relatively limited extensions to the main house, being less than 10% of the original house floorspace (ie. 145sqm) and thus are not disproportionate to its original size. Therefore it is concluded that the criteria of policy N1 are complied with in terms of these extensions only. Furthermore the majority of these extensions replace existing built floorspace at lower ground level, and thus effectively there will be very limited visible change to the existing bulk and scale of the dwelling as viewed from outside and hence a minimal impact on the open character of the surrounding MOL. Indeed the proposed wing will be smaller than the existing garage wing in terms of footprint at lower ground level thus actually reducing its bulk and volume at the rear. The upper ground conservatory and the lower ground minor additions are the only new elements beyond existing footprint/volume and they will appear as very subordinate and almost insignificant extensions to the main house.

- 6.19 The new basement floor is entirely under the existing garage wing (with some minor additions beyond) and the part within MOL totals approx 90sqm. This floorspace, when included with the above-mentioned ground floor additions, would result in a material increase in size of the house and cannot be considered as a limited extension to the house. Thus the basement alone has to be regarded as “inappropriate development” for the purposes of UDP policy N1 and PPG2 and would not comply with the criteria of policy on MOL. However it is considered that an exception can be made to policy in this case: the extension is entirely at basement level with no external features whatsoever, thus it results in no visual change to the external envelope, volume, bulk or appearance of the building and hence it has no impact on the open character of the surrounding open land. It is considered that, although the scheme is not in accordance with policy N1, the circumstances of the case means that the essential objectives of MOL policy are maintained, as there is no visible impact on, nor demonstrable harm to, the character of surrounding open land either on the site itself or outside it. Furthermore the proposal will result in the restoration and enhancement of a Grade 2* listed house which has seriously deteriorated over the last 20 years.
- 6.20 **Heath Park-** the differences between existing built footprint, MOL “exclusion zone” and proposed built floorspace are simpler. The proposed replacement house broadly matches the footprint of the existing annex, smoothing off its somewhat irregular profile at rear and rearranging the footprint of front canopies so that there are 3 projections instead of two large ones at front and also a new side canopy. The MOL exclusion zone, as already noted above, omits the 2 existing front canopies as well as the separate staff house.
- 6.21 The majority of the replacement house sits within the MOL exclusion zone and thus the criteria as noted in policy N1 and PPG2 do not apply here, even though the new 3 storey house overall within this zone is materially larger than the existing single storey house. The ground floor additions beyond the exclusion zone, as a result of the straightened rear profile and the rearranged ground floor canopies, are very minor at approx 69 sqm floorspace in relation to the overall house’s floorspace of 2311 sqm. However it should be noted that 2 of the canopies will be on existing

built footprint so that only 31 sqm floorspace is actually outside the existing house's built volume and footprint. Notwithstanding, these various projections are considered very subordinate in size and volume to the main house and their impact is such that the new house is not appreciably larger than the existing one in terms of overall bulk or footprint at ground level. It is considered that the criteria of policy and guidance is complied with in terms of these minor extensions.

- 6.22 The basement will extend further than the upper floors on the western end and thus will project into designated MOL. This addition totals approx 259 sqm which is more than 10% of the new house's floorspace of 2311 sqm. Thus it is considered that this contravenes the terms of policy N1 as it results in a materially larger house overall. However as in the case with Heath House (see para 6.19 above), it is considered that an exception can be made to policy in this case: the extension is entirely at basement level with only a carpark access ramp partially visible at one end, thus it results in virtually no visual change to the external envelope, volume, bulk or appearance of the building and hence it has no impact on the open character of the surrounding open land. It is considered that, although the scheme strictly contravenes policy N1, the circumstances of the case means that the essential objectives of MOL policy are maintained, as there is no visible impact on, nor demonstrable harm to, the character of surrounding open land either on the site itself or outside it. Furthermore it should be noted that the removal of existing canopies and the separate staff house which are currently within MOL will result in approx 109 sqm of land returning to open space within MOL status, which will enhance the overall openness of the surrounding site and hence quality of MOL.
- 6.23 Given the unusual and indeed unique circumstances of the site and its designations, it is considered that the scheme will not set a precedent for disproportionate extensions or replacement buildings elsewhere in MOL within Camden.

Protecting Open Space

- 6.24 Policy N2 states that only development ancillary to uses taking place on the land will be allowed on POS. Unlike policy N1, it does not contain any clause permitting extensions etc to existing buildings. Furthermore any development bordering POS, in this case the Heath, should not cause harm to its open appearance and setting.
- 6.25 In this case it is considered that both developments comply with the terms of policy N2 as they are related to the residential use of the land, ie. the existing houses at Heath House and its annex; the extensions are appropriate, in that the extensions to Heath House are relatively small in scale and the replacement house for the annex is not disproportionately larger, so that both developments do not cause harm to the wholeness, appearance or setting of the surrounding open space. Furthermore proposed landscaping ensures that the openness of the area within the site itself is maintained, while the perimeter wall and existing/proposed landscaping minimises the developments' visibility and thus impact on open space in the heath bordering the site. This matter is discussed further below.

Heath House: bulk/design

- 6.26 As noted above in the site description, the house has been substantially altered, rebuilt and adapted in the past since its construction in the 18th century. The overall effect has reduced the building's architectural merit and quality internally; nevertheless the building externally retains its original character as an early Georgian mansion and is a prominent feature on the landscape at the end of the vista from Whitestone Pond.
- 6.27 No objection is raised to the demolition of the side garage block and replacement by a new wing. Currently it is a single storey structure which is only partially visible above the boundary wall along North End Way and not visible at all from the front elevation. The new scheme now presents a 2 storey extension with attic storey, although from the front it only appears as a 1 storey plus attic extension. The principle of a 2 storey side wing, which effectively creates 2 floors level with those of the main house, is accepted on this location: it will clearly be more prominent than the existing wing but this will help redress the imbalance caused by the large east side wing. The attic storey, which is hipped and lower than the main house eaves, ensures it will maintain a subordinate relationship with the house as it is well set back from the front and rear facades and below the roof line of the main house. As originally submitted, the wing also had a full height 2 storey lift tower adjoining the main house: this was considered unduly bulky and crudely positioned and as a result harmed the appearance and interest of the main house. As revised, the scheme now removes this element and has only a lift overrun well set back from the edges and protruding by 0.5m above the roofline. This reduction in the height and setback has markedly reduced the extension's prominence and ensures that it is subordinate to the existing house; the lift overrun is very minor and barely visible in long views from the front and side, and does not compromise the overall bulk or character of the extension.
- 6.28 Overall the new side wing as revised respects the symmetry and integrity of the main house while allowing the overall composition with the east wing to balance. The original façade of the house is still easily recognised as the major focal point in the vista at the summit of the heath. Although the new wing would create additional bulk in views from the south and west, this would be visually read against the screen of trees and the bulk of the house itself, so that the open skyline would not be harmed. On balance, given the setback and rake of the attic storey, it is considered that the extension would not harm the openness of the surrounding area and nor harm views from the heath to the west.
- 6.29 The roof would be replaced by one of a greater pitch, with a new chimney stack and new dormer windows of a slightly different style to those existing. The existing roof is a complicated arrangement of pitched and flat roofs which has an awkward relationship with the east wing. The roof is considered to be a pseudo- example of the original 18th century roof which has relatively minor architectural interest. The proposed works are considered to rationalise and improve the appearance of the building. The architectural detailing found in the modillion cornice is considered to be a feature worthy of preservation which is to be retained for prosperity as an example of the mid 20th century renovation works.
- 6.30 Works to the east wing would include replacing the existing parapet balustrading which is also considered to a poor replica of the later 18th century work. Its design

and height unduly dominates the wing and its effect on the main house. Its replacement is considered more appropriate in this regard.

- 6.31 The remaining proposed elevational treatment is considered to improve the character and appearance of the building. Detailed design of the new windows can be submitted by way of condition.
- 6.32 The proposed conservatory is appropriate as a lightweight addition at the rear over the existing raised terrace. It reaffirms the centre of the house as the focal point so as to reduce the prominence of the existing east side wing.
- 6.33 Various works of alteration are proposed internally. The basement works and excavation are acceptable subject to details of underpinning being reserved by condition. The ground floor alterations are considered acceptable; the revision concerning the jib doors between the main house and extension are also considered acceptable. At 1st and 2nd floor levels, very little of significance remains here and the proposed alterations are acceptable. Generally the internal works enhance the character and special interest of the listed building. Additional information is required by means of condition to ensure the works complement the age and style of the building.
- 6.34 As explained above, it is considered that the various extensions to the main house will not harm the character and appearance of the conservation area and private open space as viewed from both within and outside the walled site, nor will they harm the setting of the surrounding listed buildings which form a distinguished group around the war memorial. Indeed the extensions and alterations will improve the overall composition and appearance of the listed house as viewed from its most visible and focal viewpoint at Whitestone Pond to the south. It is noted that English Heritage have supported the unrevised scheme (see consultation section), and have issued a direction to grant listed building consent.

Heath Park: footprint/bulk/design

- 6.35 The existing annex is largely screened by from the public realm by the tall brick boundary wall around the whole site. However its roof with gable and dormer features is visible from a small section of pavement outside Jack Straws Castle on North End Way as one walks northwards, although due to its pitched roof design and brick/tile materials, it blends into the landscape and is not readily apparent. Limited glimpse views are possible from Spaniards Road and the house is also visible between groups of trees from Heath House within the site itself.
- 6.36 Demolition of the 1970's annex is considered acceptable as it is not of architectural merit. However its design and form does echo an ancillary stable block or subordinate outbuilding to Heath House, and consequently any replacement building needs to enhance the conservation area to an appreciably greater degree and also respect the setting of listed Heath House as the primary building on this site.
- 6.37 The new house matches the footprint of the annex and has its parapet level with the existing ridge line. However in order to establish 2 storeys here and yet maintain the existing roof height, the building is partially sunk down below garden

level with associated excavations at front so that the garden slopes down to meet the new ground floor. The original scheme had a pitched roof which rose 1.5m higher than the existing ridge. The new rectangular classical design with a continuous parapet around the building means that the new building is considerably larger and bulkier than existing in that it effectively infills the “wedges” of volume against the present pitched roofslope. The architectural detailing, chimney stacks and central pediment also draw attention to its prominence and visual presence. The scheme has consequently been revised to reduce the prominence of the house by removing the pitched roof, reducing the height of chimneys, and changing the palette of materials. The existing roof height is thus now maintained by the parapet, and the chimneys and simplified pediment design now appear as more subordinate features. Furthermore the landscaping has been revised so that the screening by trees is provided to obscure views from the above-mentioned North End Way viewpoint.

- 6.38 The footprint of the new house is acceptable as it matches the existing one. The revised bulk and mass are now considered on balance acceptable so that in long views the new house appears no higher than the existing annex. The design of the building also helps to articulate the large built volume and to break down vertically the overall scale of the structure. Effectively the only increase in bulk would occur with the continuous parapet around the building filling in the ‘wedges’ of volume against the present line of the pitched roof. Although this would increase the existing built form in these areas, the distance of the building from the one public realm viewpoint and mitigating factors, including the changes in finished material and partial screening by trees on the sides, would ensure that the additional bulk does not cause undue harm to the character and appearance of the conservation area, to openness of adjacent MOL or to setting of the listed building over and above the existing dwelling.
- 6.39 The change from render to brick with terracotta and stone detailing, the removal of the roof and the simplification of decorative architectural features such as on the pediment, is considered to significantly reduce the grandeur of the property. The property still retains its classical form and style with a central pediment; however the changes are considered to be much more restrained. This is considered to be better assimilated with its landscaped surroundings and more respectful with Heath House.
- 6.40 In terms of views from outside the site, there is effectively only one viewpoint from North End Way where the roof form is partially visible above the boundary wall, its end gables being screened by trees and bushes. The revised roof form and materials ensures that the new building will not appear higher or significantly more intrusive than the existing brick annex. The building would now be less domineering from public views of the site and more contextual in its setting. The reduction in the prominence of the building and particularly the use of mainly red brick rather than stark render helps the building blend better with its landscaped surroundings. This is considered much more compatible with the character of the existing views into the site.
- 6.41 Furthermore the landscaping plan for the whole site has been designed so that additional trees of appropriate species and multi-stemmed form are planted between the Heath House and new house to screen the latter from this viewpoint.

Photomontages have been produced to show the effect of this planting with 1 and 3 years growth, demonstrating how the whole house would be largely obscured by foliage by the first year, although it is recognized that in winter views would still be possible through branches. The reduction in the visual bulk as outlined above and revisions to the landscape plan are considered to reduce the building's prominence and preserve the openness of the adjacent MOL in line with the existing situation.

- 6.42 The revisions are also considered to alter the perception of the new dwelling. The revised flat-topped brick building appears less like a dwelling and could more easily be associated with a building ancillary to Heath House, such as a stable block, farm complex or orangery. This results in the building appearing subordinate and less superior than Heath House, thereby respecting the listed building. The physical reduction in its size, as well as the lowered position of the building within the grounds and the substantial planting between both houses, further mitigates the potential conflict it may have with Heath House in terms of views within the site.
- 6.43 Finally the division of space allocated to Heath Park has been amended to give greater land to Heath House, so that the hedge boundary between both is shifted by approx 10 metres towards Heath Park. The more equal allocation of the garden allows Heath House to retain its original setting, as well as giving greater emphasis to it as the primary and most important building on the site. The larger garden now allocated to Heath House also ensures its value as a family dwelling will not suffer from lack of private outdoor space, in compliance with PPG15 para 2.16.
- 6.44 On balance, the revised scheme for the new house is considered acceptable in terms of bulk, design and form, subject to submission of more details in due course via condition. Details of the precise nature of the roof, whether flat or shallow pitched hidden behind the parapet and whether it incorporates features such as green roof or solar panels, have yet to be finalised. Although larger and more prominent than the existing annex, it will not appreciably increase its visual presence in public realm viewpoints nor unduly encroach upon the relationship with Heath House. It is considered that the new house will not harm the character and appearance of the conservation area and private open space as viewed from both within and outside the walled site, nor will it harm the setting of the adjoining listed building. It is noted that English Heritage did not raise any objection to the unrevised scheme (see consultation section).

Archaeology

- 6.45 The site lies within an Archeaology Priority area. The submitted assessment states that the new basements will not have a significant impact as they lie almost entirely within the area of existing basements and thus important remains will already have been removed. Thus no further evaluation is required for this site.

Landscape

- 6.46 The site will be divided into 2 plots related to the 2 new houses. A landscape strategy has been adopted for the whole site to enhance and restore the current chaotic and unkempt garden and to provide 2 more appropriate visually distinct gardens for both houses while respecting the open lawn characteristic of the central area which defines the character of the Private Open Space here; furthermore the

scheme extends outside the site to enhance the boundary verges in the public realm.

- 6.47 The existing garden has a central open grassland surrounded by various mature trees and non-native specimens and overgrown bushes. Various areas of hardstandings and structures are poorly related to the buildings. Few historic traces exist of any original layout and the whole landscape is not worthy of the setting of the listed house. The landscape proposals are considered acceptable and will considerably enhance the appearance, utility and biodiversity of the garden as well as enhancing the setting of the listed building and the value of the Private Open Space.
- 6.48 Heath House will have gardens at front and rear designed in a formal classical manner with topiary and yew hedges, whereas the new house at rear will be fronted by a natural parkland landscape of open grassland. The whole site will be edged by existing and proposed trees and the 2 plots will be separated by a soft landscaped curved boundary of trees and hedging without the need for dividing walls or railings. A number of new trees (largely of native origin) are to be planted with a girth size of 25cms within the site which significantly outweigh the number of those to be removed. Within the garden of Heath Park there are to be lawned areas with swathes of meadow/wildflowers around the edges to enhance the biodiversity/ecological value of the site. There will also be areas where herbaceous planting and deciduous shrub layers will provide further habitats for wildlife. The formal gardens of Heath House and the less formal gardens of Heath Park will provide a distinctive contrast within the landscape and it is considered these different types of planting style are suitable for their settings. Nine new Lime trees of 25cm girth are to be planted around the front boundary of Heath House facing Whitestone Pond; as lime trees used to exist here, this will help reinstate the publicly visible landscape of the house to its former glory.
- 6.49 The existing formal driveways to Heath House will be replaced by new ones. The existing perimeter driveway around the whole garden behind the House will be removed and a single drive constructed alongside North End Way to serve the new Heath Park house. New vehicular forecourts will be installed alongside the 2 houses adjoining this drive. Most of the hard landscaped areas will be constructed of permeable paving/gravel where water will be stored and then utilised to irrigate the gardens. This will help improve the Sustainable Urban Drainage of the site. The materials chosen for the forecourt of Heath House are of a high quality which should enhance the setting of the listed building, subject to approval of samples to ensure colours and textures complement those used in the listed building. There is scope for introducing a "green" roof on the Heath Park house, now that its roof form has been revised to be flat, which will improve biodiversity.
- 6.50 The trees to be removed and replaced are acceptable due to their poor health or visual amenity. The exception is a mature ash which is likely to be damaged through excavation works for the new basement to Heath Park, but this is acceptable as it is screened by existing mature plane trees outside the site and thus its loss will not harm the character of this part of the conservation area. The submitted arboricultural report, method statement and tree protection plan are acceptable provided their recommendations are implemented and followed.

Entrance gates

- 6.51 The scheme also involves enlargement of the existing vehicular access onto North End Way along with associated alterations to the Grade 2 listed boundary wall. In order to widen the vehicular access, one of the existing piers would be dismantled and moved before being rebuilt. A new pier to match to replace the other recently constructed brick pier. The existing gate is of no quality and as such its replacement is welcomed. The works would only impact on a small proportion of the wall which has already been modified in the past and would be completed in a scholarly manner to match the existing adjacent wall.
- 6.52 The works are not considered to harm the special architectural and historic interest to the grade II listed boundary wall and are considered to generally improve the setting of the grade II* property which it encloses. It is noted that English Heritage have supported the scheme and have issued a direction to grant listed building consent.
- 6.53 The alterations to the wall are not considered to impact on the character and appearance of the Conservation area or openness and setting of the MOL or POS. They will not harm the adjoining plane tree in the verge.

Public realm improvements

- 6.54 The applicant proposes to spend up to £140,000 on landscaping and surface treatment improvements to the roadside verges surrounding the perimeter of the site, which currently have trees, shrubs and vestiges of gravel footpaths. The scheme will include new gravel surfaces to create properly defined footpaths, restored planted areas along Spaniards Rd, block paving at the bus stop on this road, and replacement granite sett crossovers at the Heath House entrances, plus restoration of the war memorial. It will enhance the publicly visible boundary of this site and the setting of the listed buildings around the roundabout and the overall appearance of the conservation area. The scheme has been designed to match the materials etc proposed for the Whitestone Pond improvement project (see below) and thus will act as an integrated extension to this enhancement scheme. The scheme has been agreed by the Council's engineers on the basis that they will be implementing the scheme (as this is highway land) and it is proposed to secure this financial contribution by means of a S106.
- 6.55 The applicant has also offered £60,000 as a contribution to the Councils' works to the public realm around Whitestone Pond. This enhancement scheme is promoted by Heath and Hampstead Society and funded by the Council in conjunction with City of London and TfL, and is currently out for consultation. It is intended to be implemented in time for the 2012 Olympic road cycling event that passes through this area. The scheme involves improvements to the various roads, pavements, planted areas, pond and street furniture around the Whitestone Pond. The offer by the applicants to help fund this project is welcome.

Traffic

- 6.56 The new garaging for both houses are acceptable in terms of dimensions, location and number of spaces, given that they replicate the existing number of carspaces onsite. The basement carpark ramp is acceptable in terms of gradient and dimensions. Adequate space exists for cycle parking on site although details of design and location should be provided by condition. The existing entrance is adequate for the anticipated traffic generation for these 2 houses; however the visibility splays for this entrance are poor and, although the proposal to widen this access is welcomed, it is recommended that an informative be added to request that bushes on the verge to its north are cut back to improve sightlines.
- 6.57 Given the scale of works on site, there will be a large number of construction vehicle movements to and from the site. This will have a significant impact on the surrounding road network. In addition, the applicant has acknowledged that the construction process will need to be carefully managed in order to ensure that there are no detrimental effects, and proposes to implement a formal Construction Management Plan. This outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. It is proposed that a Construction Management Plan is submitted and approved before any works start on site, to be secured via a Section 106 planning obligation.

Neighbour amenity

- 6.58 The new and extended houses will have no impact on neighbour amenity in terms of light, outlook, privacy, or noise disturbance from plant, given their isolated situation from nearby residential properties.

Sustainability issues

- 6.59 In respect of Heath House, there are limitations in achieving a fully sustainable house on account of its Grade 2* listed status. Nevertheless the applicant aims to achieve an Ecohomes "Very Good" rating with a 15% offset from low/zero carbon technology, which is welcome. Heath Park is new build and thus has more scope for providing a building with a Code for Sustainable Homes level 4 "excellent" rating.
- 6.60 Both properties will have a combined heat & power (CHP) system with the option of future biofuel use (should a sustainable local source become available); in addition tails will be provided to link into any future District Heating System. Rainwater harvesting, energy efficient light fittings, low flow water fittings, and appropriate insulation and ventilation will be provided for both properties. Reuse of construction waste, responsibly sourced materials and use of onsite composting will also be provided.
- 6.61 The Ecohomes and Code of Sustainable Homes pre-assessments will be secured by condition, while the post-construction review and the appropriate credit targets under the various categories of energy, water and materials will be secured by S106. The S106 will require more details in terms of energy calculations to justify the overall strategy, commitment to installing a CHP, investigation of CCHP and its installation if required and feasible, with potential for biofuel in the future when

sustainable and local source is available, future-proofing (ie. infrastructure designed and built to be able to connect to a decentralised energy system), installation of meters for monitoring, and rainwater harvesting.

- 6.62 The potential for solar panels and green roof on Heath Park should also be investigated in the detailed working up of the house design and its roof profile, details of which should be secured by condition and S106.

7. CONCLUSION

- 7.1 The scheme for Heath House is welcome for its sensitive restoration and alteration of a derelict listed building and its extensions are acceptable in terms of impact on the listed building, conservation area and surrounding open space. The demolition of the unattractive annex is acceptable and the replacement house in its revised form is acceptable in its bulk, height and design in terms of impact on the listed building, conservation area and surrounding open space. The landscaping of the whole site enhances the setting of the listed building site, mitigates any harm caused by the new house and maintains the subordinatory relationship between both houses.
- 7.2 The extensions and replacement house are considered to be acceptable in terms of MOL policy in that some extensions are limited in size and that the basement extensions, although “materially larger” in terms of PPG2, have no impact on the open character of the open space and therefore cause no demonstrable harm.
- 7.3 The overall scheme finally involves welcome enhancements to the public realm both immediately surrounding the site itself and also to the Whitestone Pond area to its south. The boundary wall restoration and relocated entrance is also considered acceptable.
- 7.4 The two new houses are recommended for planning permission subject to Section 106 legal agreements covering the following heads of terms:
- a) payment of a financial contribution towards highway footpath improvements around the entire site,.
 - b) payment of a financial contribution towards the Council’s Whitestone Pond Improvements project.
 - c) implementation of both developments in accordance with an agreed Construction Management Plan.
 - d) Ecohomes and Code of Sustainable Homes post-construction review for both houses, plus implementation of commitments on sustainability issues, as itemised in paras 6.60 and 6.61 above, before occupation of both houses.

7.1 LEGAL COMMENTS

- 7.2 Members are referred to the note from the Head of Legal Services at the start of the Agenda.