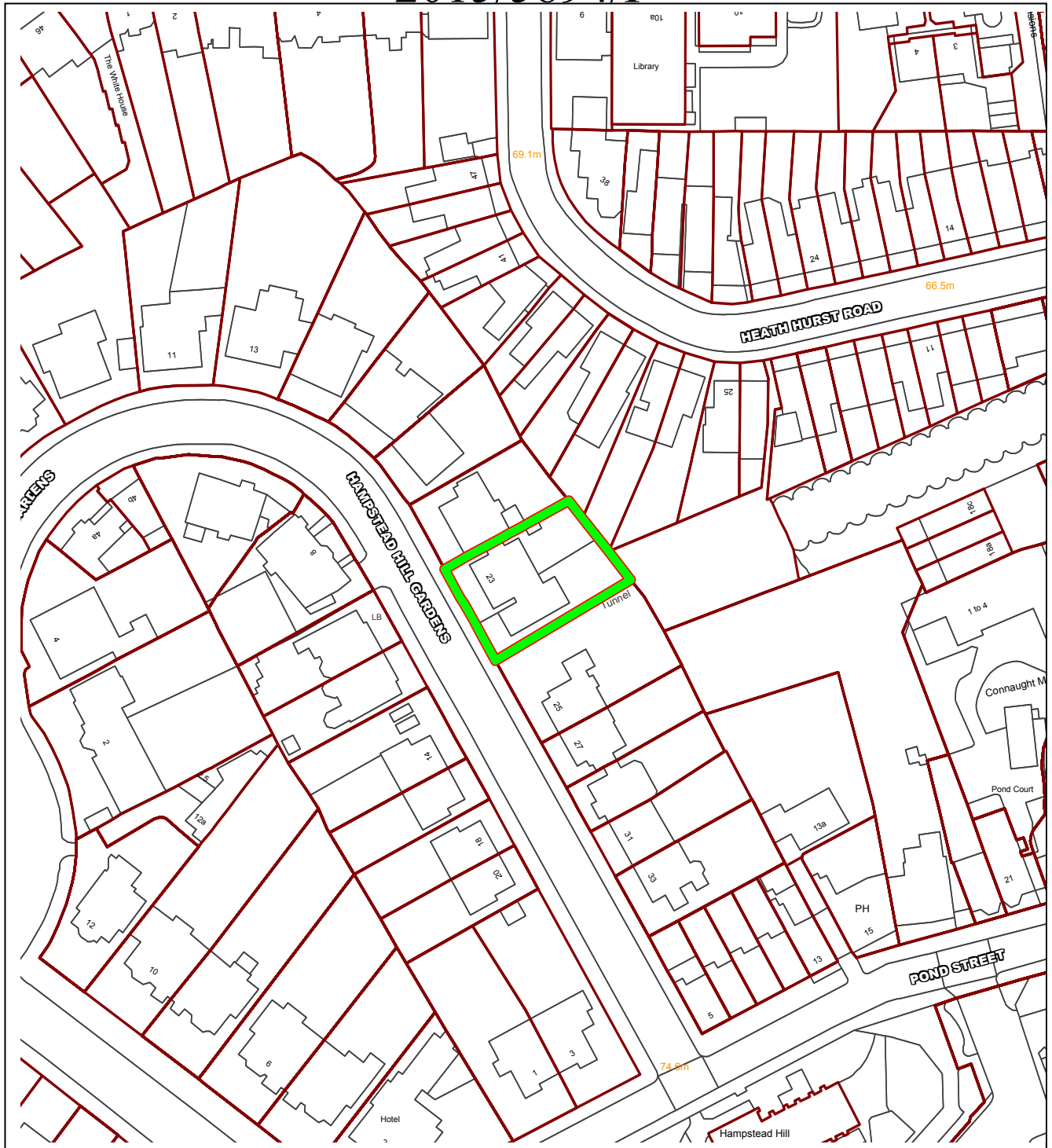


23a Hampstead Hill Gardens NW3

2015/5894/P



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Proposed site plan of no.23a



23a Hampstead Hill Gardens- 2015/5894/P



No.23

no.23a



23a

25



Rear of 23a facing 23

^ location of proposed shed

^ rear extent of proposed extension



Rear garden of 23 facing 23a and 25

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		13.1.16	
		N/A / attached		Consultation Expiry Date:		17.12.15	
Officer				Application Number(s)			
Charles Thuaire				2015/5894/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(s)							
Variation of condition 2 (approved plans) of planning permission dated 25/02/2014 ref 2013/8020/P (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), to allow various changes to all elevations, gardens and boundary enclosures.							
Recommendation(s):		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	32	No. of responses	06	No. of objections	04
Summary of consultation responses:		<p>Site notice, expired 16.12.15, and press advert, expired 17.12.15</p> <p>4 objections and 3 comments from 5 neighbours at 23 Hampstead Hill Gardens and one at 31 Heath Hurst Road at rear- (<i>officer comments in italics</i>)</p> <ul style="list-style-type: none"> - Construction noise and nuisance; <i>proposed S106 requires CMP- Officer response: see para 2.3</i> <p>3rd floor and more balconies result in loss of privacy to all neighbours at side and rear; <i>Officer response: higher building and rear balconies were approved last time see para 2.3, see paras 2.4, 2.11</i></p>					

	<p>Higher roof line results in loss of sunlight, rear extension would abut other rear gardens; <i>Officer response: height and depth is same as previous approval- see para 2.3. see para 2.4</i></p> <ul style="list-style-type: none"> - Adds to already cramped congested location; <i>bulk and footprint same</i> <i>Officer response: as previously agreed- see para 2.4</i> - Additional floor will lose views from top floor flat; <i>height is same as</i> <i>Officer response: previous approval- see para 2.4</i> - Solar panels will be in full view of side windows and cause glare and an eyesore, so should be relocated and a green roof provided instead <i>Officer response: see paras 2.7, 2.10</i> - Continues to propose a winter garden at rear which adds to the bulk of house; <i>Officer response: incorrect- this has been omitted now- see para 2.6</i> - Privacy screens should be provided on both sides of rear terrace; <i>Officer response: only one screen facing no.25 was considered necessary with previous scheme, the terrace has not changed in size of location- see paras 2.10-11.</i> - Comment- Shame that opportunity is not taken to separate new house from no.23 and create a detached one, as they are no longer linked; <i>Officer response: location and form of house on street is same as previous approval- see para 2.4.</i> - Comment- No objection from top floor flat of 23, as scheme does not rise above side windows of no.23 and thus no loss of light or outlook. - Comment- Flat roof must not be used as roof terrace and enforced by condition- although <i>Officer response: there is limited access to the top roof and limited room to use it as a terrace, a condition will be added to restrict its use.</i> - Comment- Scheme for change from 2 flats to 1 house is contrary to policy to increase housing; no permission should be given for a scheme that involves loss of family sized accommodation; <i>Officer response: the creation of one house has been previously approved here- see para 2.1</i> - Comment- Side passage should not be reduced in width, access from side passage is now redundant and should be removed; <i>Officer response: plans show retention of side access with same width</i> - Comment- revised rear boundary treatment is improvement from previous approval but should be the same as the boundary with no.25; timber fence and gate is inappropriate in streetscene as it is out of character; <i>Officer response: rear boundary is same as before and considered acceptable; front boundary was considered out of character so plans</i>
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	<i>now revised to show brick wall- see para 2.9</i>
CAAC/Local groups* comments: *Please Specify	<u>Hampstead CAAC</u> no response.

Site Description

1. The site contains 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 on 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.
2. 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.
3. 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- 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- 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.

28.9.15- approval of details of hard and soft landscaping (including means of enclosure, refuse stores and Sustainable Urban Drainage Systems) and details of tree protection, as required by conditions 6 and 8 respectively of planning permission dated 2.5.14 ref 2013/8020/P.

10.9.15- (ref 2015/0936/P) pp subject to S106 agreed in principle at Members Briefing for 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. *S106 not yet signed, no decision issued yet.*

Relevant policies

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)

London Plan 2015

NPPF 2012

Assessment

1. Proposal

1.1 This scheme is effectively a variation to the previous approved scheme of 2014 (permission dated 2.5.14 ref 2013/8020/P) which itself was a variation to the original scheme granted permission in 2012. A previous scheme for alternative elevations and extensions, ref 2015/0936/P, was agreed in principle in September 2015 (see history above) and is awaiting the legal agreement to be signed. The client has now appointed new architects to progress an alternative scheme and resolve certain technical issues relating to ground levels above the railway tunnels beneath, thus it is unlikely that a decision will be finalised and S106 issued on this earlier scheme.

1.2 The revised scheme retains the overall design concept, form and size of the approved house but, on account of problems with lowering the floor slab, it adjusts the internal floor levels and the front

driveway gradient. These changes have been necessitated by Network Rail restrictions relating to their tunnels underneath, which prevent the floors being lowered or changed in any way. It also makes corrections to the earlier scheme as a result of more accurate survey data. The elevations have been simplified in design details and fenestration to reflect the adjusted floor levels and to give a somewhat more contemporary idiom; the pitched roof is replaced by a flat roof to accommodate solar panels. The stores, landscaping and boundary treatments for front and rear gardens are different. Notably the front porch canopy and rear 'winter garden' conservatory extension, which were previously proposed in the most recent 2015/0936/P scheme, are now omitted, which is welcome as these proved contentious with neighbours and local groups.

Revisions

Changed front boundary treatment from timber fence to brick wall.

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

- existing side passage undercroft retained;
- reconfiguration of internal room layout and step created to lower ground floor lounge;
- steepened driveway gradient (1:15) to front garden and new steps to front door, front recessed lobby infilled by internal hallway;
- simplified and resized windows at front, higher window levels at ground, additional 1st floor window and new entrance door/timber panel detail;
- revised side elevation omitting windows and fake chimney;
- side wall now positioned on party wall boundary line;
- simplified and enlarged windows at rear plus full width glazing at lower ground floor level;
- glazed balustrades on balconies instead of metal railings;
- omission of spiral staircase to garden from rear terrace;
- pitched roof replaced by flat roof with new 12 PV panels behind parapets;
- cycle/refuse store repositioned behind front wall, approved hedge replaced by brick wall and timber access gate;
- new shed installed in kink of rear garden next to no.23; timber fencing around rear garden; revised landscaping to front and rear gardens from approved details;
- revised sustainability statement.

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. The shorter driveway with its steeper slope at 1:15 still complies with minimum gradient standards, but steps are now introduced on one side to provide adequate access to the front door; this is considered acceptable as a compromise by the Council's Access officer, 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 between pavement and ground floor and distance between front facade and pavement edge. It should be noted that a steeper gradient with no steps was previously considered acceptable in the earlier agreed scheme ref 2015/0936/P. 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. A revised Code for Sustainable Homes and energy statement confirms that the house will still meet Code level 4 and its subtargets 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 pitched roof will be replaced by a flat roof to accommodate the panels which will be hidden behind the perimeter roof parapet 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 and continue to be acceptable in the revised location. 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 a pastiche design has been accepted here. There is no change to the height, width or depth of the previously approved house. 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 design idiom has now been simplified to a more contemporary approach to recognise the fact that this house cannot match the adjoining Queen Anne houses or nearby Italianate blocks in scale, form or materials, and thus it is more appropriate to have a modern building which does not have a pastiche style and yet sits comfortably between its neighbours of contrasting styles and scales (ie. nos. 23 and 25). The simplified design rationale creates a less adorned traditional façade and is considered acceptable on the basis that there are architectural features being retained here to make the scheme more contextual and articulated than the existing poor quality block and thus to enhance the conservation area. The amended side elevation which now sits on the boundary line is considered acceptable as it retains blank window recessed panels and is more honest by removing the false chimney stack. The front entrance door arrangement is acceptable as a contemporary feature reflecting the new timber fencing elsewhere. The various detailed changes to fenestration and balustrades at the rear simplify the house's appearance but do not harm the setting of the neighbouring houses. Overall the design changes will enhance the character and appearance of the streetscene and conservation area.

2.6 The extensions and balconies at the rear are identical to the previously approved ones and continue to be acceptable in size, design and bulk. The previously agreed front porch and rear winter garden conservatory, shown in the scheme ref 2015/0936/P, are now omitted.

2.7 The new PV panels will be hidden behind the roof parapets and thus will have no impact on the house, streetscene or conservation area. The roof without a pitch is now lower than the previous scheme, thus gives the impression of a lower building overall.

2.8 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

2.9 The new extension will continue to have a green roof over half of it. This scheme now shows revised landscaping details to those previously approved, with timber fencing around the rear garden and more soft landscaping. As revised, the front boundary is now a brick wall which is considered more appropriate in the streetscape than the timber fence and is similar to the adjoining one at no.23. 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

2.10 There is no change to the height, width or depth of the previously approved house or its extensions so there will be no further impact on the neighbours and in particular adjoining upper floor side windows in the flank wall of 23. Indeed the roof is now lower than before so that there is less impact on the side windows. The PV panels do not project above the roof parapets and are lower than adjoining side window sills so they will not result in any loss of light or outlook.

2.11 As with the previous scheme, it is considered that, due to the acute angles and distances involved, no overlooking from the rear ground floor roof terrace should occur to rear windows of no.23 or most of its communal garden and a condition is retained to prevent undue overlooking of no.25's garden. 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 as before and also now amended to prevent use of the flat roof of the main house around the new PV panels. The new garden shed adjoining no.23 takes up a small redundant space next to the kinked boundary wall and is no higher than this- it is acceptable in size, height, design and amenity impact.

Community Infrastructure Levy

2.12 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 It is proposed that the permission is subject to same conditions as before, but adjusted to omit conditions 6 and 8 requiring submission of details of landscaping and tree protection (which have both already been approved on 28.9.15), and to amend condition 14 to require additionally no access to the top flat roof.

3.2 The permission is 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.

3.3 These S106 clauses are-

- 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 1st February 2016. For further information please go to www.camden.gov.uk and search for 'members briefing'.

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www.camden.gov.uk/planning

Application Ref: **2015/5894/P**

28 January 2016

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

**23A Hampstead Hill Gardens
London NW3 2PJ**

Proposal:

Variation of condition 2 (approved plans) of planning permission dated 2.5.14 ref 2013/8020/P (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), to allow various changes to all elevations, gardens and boundary enclosures.

Drawing Nos: Superseded plans- Design and Access Statement 2013 Revision by 51% studios ltd; Sustainability Statement revised proposal dated December 2013 by Briary Energy; Regulation Compliance report dated 10.12.13; landscape plan; site location plan; 1001B, 1002C, 1003D, 1004C, 1101E, 1102D, 1103D, 1201D, 1104B, 1003B x 2 (ground and 1st floor accessible bathrooms);

Approved plans- Sustainability Statement revised proposal dated January 2015 by Briary Energy; Regulation Compliance report dated 27.1.15; Schedule of material amendments revision B dated 18.11.15; proposed plans- 596/19.1 revD, 20.1 revC, 21.1 revH, 22.1 revE, 24.1 revA, 30.1 revC, 36.1 revC, 40.1 revG, 40.2 revA, 41.1 revF, 42.1 revE, 43.1 revD, LD revC.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.2 of planning permission dated 2.5.14 ref 2013/8020/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans- The development hereby permitted shall be carried out in accordance with the following approved plans- Sustainability Statement revised proposal dated January 2015 by Briary Energy; Regulation Compliance report dated 27.1.15; letter from Civic Trees dated 18.1.11; letter from r.howorth surveyors dated 20.1.11; site location plan; existing plans- 0002A, 0003A, 0004A, 0101A, 0102B, 0103A, 0104A, 0201A; Schedule of material amendments revision B dated 18.11.15; proposed plans- 596/19.1 revD, 20.1 revC, 21.1 revH, 22.1 revE, 24.1 revA, 30.1 revC, 36.1 revC, 40.1 revG, 40.2 revA, 41.1 revF, 42.1 revE, 43.1 revD, LD revC.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 The top flat roof of the house shall only be accessible for maintenance purposes and shall not be used as an amenity terrace.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (except conditions 6, 8 and 13 relating to landscaping, tree protection and obscure glazed windows) and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

DRAFT

DECISION