

Savills  
33 Margaret Street  
London  
W1G 0JD

Application Ref: **2015/3314/P**  
Please ask for: **David Peres Da Costa**  
Telephone: 020 7974 **5262**

6 May 2016

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)  
**NOTIFICATION OF DECISION WHEN AN APPEAL HAS BEEN MADE**  
REFUSAL

Address:  
**26 Netherhall Gardens**  
**London**  
**NW3 5TL**

Proposal:

Erection of 4 storey plus basement detached building to provide 5 flats (4 x 2-bed and 1 x 3-bed) including front and rear roof terraces, hard and soft landscaping, boundary treatment and 3 car parking spaces, following demolition of the existing building (Class C3).

Drawing Nos: Existing Drawings: 04009\_JA12\_P\_00\_001; 04009\_JA12\_P\_LG\_001;  
04009\_JA12\_P\_01\_001; 04009\_JA12\_P\_02\_001; 04009\_JA12\_P\_03\_001;  
04009\_JA12\_S\_AA\_001; 04009\_JA12\_E\_N\_001; 04009\_JA12\_E\_S\_001;  
04009\_JA12\_E\_E\_001; 04009\_JA12\_E\_W\_001

Demolition Drawings: 04009\_JC20\_P\_00\_001; 04009\_JC20\_P\_LG\_001;  
04009\_JC20\_P\_01\_001; 04009\_JC20\_P\_02\_001; 04009\_JC20\_E\_N\_001;  
04009\_JC20\_E\_S\_001; 04009\_JC20\_E\_E\_001; 04009\_JC20\_E\_W\_001

Proposed Drawings: 04009\_C645\_P\_00\_002\_Rev\_C; 04009\_C645\_P\_LG\_001\_Rev\_C;  
04009\_C645\_P\_B1\_001\_Rev\_C; 04009\_C645\_P\_01\_002\_Rev\_C;  
04009\_C645\_P\_02\_002\_Rev\_B; 04009\_C645\_P\_03\_002\_Rev\_B;  
04009\_C645\_P\_RF\_002\_Rev\_B; 04009\_C645\_S\_AA\_002\_Rev\_B;  
04009\_C645\_S\_CC\_002\_Rev\_B; 04009\_C645\_E\_N\_004\_Rev\_B;  
04009\_C645\_E\_S\_003\_Rev\_B; 04009\_C645\_E\_E\_002\_Rev\_B;  
04009\_C645\_E\_W\_002\_Rev\_C

Location plan; Transport statement - TTP Consulting May 2015; Structural design and construction statement - Sinclair Johnston June 2014; Tree Constraints Plan (CCL 08927);



Report on Tree Rooting Activity - Crown Consultants 28 May 2013; Arboricultural report - Crown Consultants 2 April 2013; Arboricultural Impact Assessment and Method Statement - Crown Consultants 18 May 2015; Heritage Statement - Peter Stewart Consultancy April 2015; Daylight and Sunlight Study (Within Development) - Right of Light Consulting April 2015; Design and Access Statement - Squire and Partners May 2015; Energy & Sustainability Statement - Mecserve May 2015; Planning Statement - Savills; Daylight and Sunlight Study - Right of Light Consulting 4 December 2014; Report on Ground Investigation - Site Analytical Services June 2014; Preliminary Risk Assessment - Site Analytical Services June 2014; Structural Engineers Response to BIA Audit by Campbell Reith - Sinclair Johnston 15 January 2016; Basement impact assessment - Sinclair Johnston June 2014; Basement Impact Assessment - Site Analytical Services January 2015; Structural Design & Construction Statement - Sinclair Johnston June 2014; Ground Movement Analysis - GEA 21 December 2015; Inventory of Basements within 75m of 26 Netherhall Gardens - Sinclair Johnston.

The Council has considered your application and had an appeal not been made to the Secretary of State, would have refused Full Planning Permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The proposed demolition would result in the loss of a building which makes a positive contribution to the Fitzjohns Netherhall Conservation Area to the detriment of the character and appearance of this part of the Fitzjohns Netherhall Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 2 The proposed basement, by reason of its site coverage and proximity to the boundaries of adjacent sites/buildings would undermine the ability of the rear garden to contribute to the biodiversity function and landscape character of the site, harming the wider conservation area, contrary to policies CS14 (Promoting High Quality Places and Conserving Our Heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 3 The proposed residential unit '1', by reason of the overhanging ground floor bay obstructing the lightwell, would provide poor outlook and reduced natural light resulting in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to future occupants, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 4 In the absence of sufficient information, the applicant has not demonstrated that trees along the side boundary at 24A Netherhall Gardens would not be harmed by

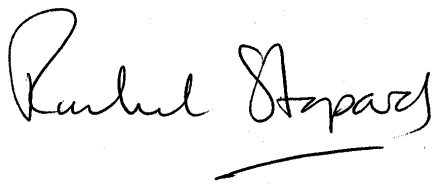
the development contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 5 The proposed development, in the absence of a legal agreement securing a Basement Construction Plan, would fail to protect the water environment and the structural integrity of neighbouring properties contrary to policy CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.
- 6 The proposed development, in the absence of a legal agreement requiring the development to incorporate sustainability measures to reduce carbon emissions and minimise use of energy, water and resources, would fail to be sustainable in its use of its resources and meet the challenge of climate change, contrary to policy CS13 (Tackling climate change through promoting higher environmental standards) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.
- 7 The proposed development, in the absence of a legal agreement securing an energy efficiency plan including on-site renewable energy facilities, would fail to be sustainable in its use of resources and fail to take sufficient measures to minimise the effects of, and adapt to, climate change, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.
- 8 The proposed development, in the absence of a legal agreement securing a highway contribution for necessary highway works, would fail to secure adequate provision for the safe movement of pedestrians and have an unacceptable impact on the public highway, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (Transport implications of development), DP17 (Walking, cycling and public transport), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 9 The proposed development, in the absence of a legal agreement securing the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and road safety hazards and be

detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 10 The proposed development, in the absence of a legal agreement to secure the residential units as 'car-capped' housing, would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden LDF Development Policies.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath the name.

Rachel Stopard  
Director of Supporting Communities