

Delegated Report		Expiry Date:	06/08/2015	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
26 Netherhall Gardens London NW3 5TL		2015/3314/P			
Proposal(s)					
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).					
Recommendation(s):		Refuse planning permission			
Application Type:		Full planning permission			
Consultations	Date advertised	21 days elapsed		Date posted	21 days elapsed
Press notice	16/7/15	6/8/15	Site notice	15/7/15	5/8/15
	Date sent	21 days elapsed	# Notified	# Responses	# Objections
Adjoining Occupier letters	10/7/15	31/7/15	59		27
Consultation responses (including CAACs):	<p><u>General point</u></p> <ul style="list-style-type: none"> the changes from the previous proposal are minor and do not address the very serious concerns made in response to the applications last year <p><u>Demolition</u></p> <ul style="list-style-type: none"> Construction is unnecessary as it is effectively demolishing and rebuilding the same thing but unnecessarily bigger; Important building in the CA and developer should seek to restore it rather than pull it down Demolition of a perfectly viable building which is in keeping with surrounding houses. Demolition of a unique and thus important building for the Netherhall conservation area It would cause substantial harm to the significance of the designated heritage asset, the Fitzjohn's Netherhall Conservation Area. The area has a diverse and eclectic mix of buildings of a variety of designs, styles and ages. The non-uniformity of structures is a major contributor to the area's charm, character and uniqueness. The Heritage statement makes unfounded and subjective claims that No. 26 Netherhall Gardens is a building of mediocre architectural quality that has an unsatisfactory relationship with its surroundings today. will lose a unique building which provides a strong contrast to other neighbouring buildings and makes a significant contribution to the wide variety of architectural designs in the area. It adds considerably to the areas unique character and charm as there is no other building quite like it in the street. the "uncharacteristic gap" is an attractive attribute that make a very positive contribution to the existing townscape the existing house at 26 Netherhall Gardens is a beautiful and very characteristic building Number 26 is a lovely old building both outside and inside. The elegant, airy and 				

comfortable rooms and lovely gardens deserve to be saved.

- a key building in the street which contributes substantially to the Conservation Area.
- We object to the demolition of the current Victorian house which shares features with other houses in the Netherhall conservation area (24-32 Marshfield Gardens) and brings several unique features to Netherhall Gardens. It is an imposing residence which just needs to be looked after and treated respectfully.
- It is a majestic house which has an imposing visage wholly appropriate to the eclectic nature of other buildings in the area. It brings several unique features to Netherhall Gardens.
- The building that would be demolished has historic and aesthetic value. The almost unbroken street of similar buildings has historic and aesthetic value.

(Officer's comment: The above issues are addressed in the '**Principle of demolition and impact on the conservation area**' section below).

Design

- Too big for the site and wholly out of proportion and character with other buildings on the road
- Would block off the gap and so jeopardise the leafy character of the conservation area
- Massing of the front elevation would detract from the general character of Netherhall Gardens
- The increased frontage would run counter to the original intention for detached house on the east side with significant gaps between them allowing views to trees in the rear gardens of Maresfield Gardens
- a new building on the site would fit in better if it were to have largely sash windows in this largely Victorian Conservation Area
- Make the area look more dense
- Proposed development is too high
- The building that is proposed will be substantially bigger in scale and occupy a larger footprint than the existing structure.
- building line misrepresented
- The many thin, full length windows are out of keeping with the period and style of the streetscape of Netherhall Gardens, are unattractive and unacceptable in a conservation area.
- The proposed building is out of keeping with its surroundings. Too large and too close to neighbours.
- Object to this application which is grandiose
- a totally unsuitable 'lump' on a very attractive and elegant street
- The design of this building does not mirror or enhance neighbouring properties.
- The proposed development is aggressive, too large in mass

(Officer's comment: The above issues are addressed in the '**Replacement building**' section below).

Housing

- The proposed construction would house fewer tenants and so does not contribute to general shortage of housing in the area
- Concern that unusually shaped rooms could be subdivided at a later date

(Officer's comment: The above issues are addressed in the '**Residential Mix**' section below).

Basement

- Would create 2 storey basement in addition to the existing lower ground floor.
- The proposal will excavate an additional two levels or adding approximately 7 meters of depth below the existing foundation, which is massive.

- Basement would extend beyond the rear building line reducing the size of the rear garden and the amount of green space
- It would severely affect the roots of the Oak tree and result in other trees being felled
- BIA does not assess the risk of structural damage to neighbouring houses caused by excessive excavations and what mitigation if any is possible
- Existing risk of settlement exacerbated if the existing water course from No.26 is obstructed.
- Concern about interference with existing watercourses
- Camden should require in advance (and enforce) a detailed construction management plan that will reduce any damage to Burland scale 0 or at most 1.
- 57 Maresfield sub basement has been repeatedly rejected - why shouldn't this be given it runs 10-15 metres deep beyond what is normal 3metre basement plans.
- possible structural damage
- there is land slippage in this area

(Officer's comment: The above issues are addressed in the '**Basement**' section below).

Biodiversity / Garden / Trees

- Loss of area on which the natural habitat of birds, insects and other wildlife depend
- the 2 metre build out at the rear of 26 beyond its original line will infringe the tree roots of the big listed oak tree which belongs to no 28 -the developers have misrepresented details in their arboricultural impact assessment plan showing their 2nd floor plans rather than their basement floor plans next to pictures of the oak tree . The basement floor plans are bigger and if this was shown it would show the impact on tree roots being destroyed as a result of this project. The tree is also way bigger than what they show in their architectural plans.
- It is also my understanding that a number of trees would be cut down to make room for additional parking at number 26.
- tree positions on the plans are misrepresented. plans show trees at back of no 24 which do not exist. border no 24a and no 26 tree misrepresented amongst others.
- Japanese knotweed recently at no 26 both in front and back gardens. neighbourhood do not want contamination. this needs be verified
- border 26 and 24a both back and front gardens there is immense greenery. on plans this is not shown. greenery contributes greatly to character conservation area. we do not want to lose our greenery or privacy. so what are the plans for these areas?
- 28 Netherhall was the house of the doctor of King George V and has won several awards for its gardens and structure -why approve a scheme which would jeopardise that?

(Officer's comment: The above issues are addressed in the '**Tree** and also in the **Basement**' section below).

Amenity of neighbours

- Noise and vibration
- Pollution
- Destruction of the associated gardens
- Encroach of privacy of neighbours
- Loss of light
- Mass of building so close to No.24a will block their light and outlook
- Balconies will infringe neighbours privacy
- the large external front balconies where none currently exist will "rob" the houses across the street of much of their privacy as they will be directly looked into and overlooked by these balconies and windows.
- window 78 hall 19.9% - 13.5% because of the design of 24a netherhall gardens this hall area is actually used a living space. its not a hall due to the side entrance into the property and it is a large space within the house. we currently use it as a study area.
- Outlook from some windows of Number 24 would be brick wall

- unacceptable living and sleeping areas at low levels within the new building.
- The sun rises opposite the front of our house and in the early morning the sun shines directly through our windows. I feel that the proposed building will reduce our sunlight
- Concern that the light report is misleading: Rights of light have only conducted the VSC test. There is no ADF test or NSL test; they have only provided the minimum as they have provided no insight as to the levels of light within the rooms, only to the windows; VSC result shows the loss of light to window 76 is 49% of its former value and well above BRE guidelines. The ADF tests for No.26 seems unusually high for a basement/lower ground level room, and therefore it is questions their methodology on how they arrived at these results; window 62 is not secondary and other windows in the property are not shown; re 28 Netherhall -window 62 is a breakfast and dining room window and the VSC post the development falls from 32% to 18.6% this is a loss of 41% and breaches the BRE max 20% loss and also the Bre guide of rooms having 27% adequate VSC .The room is a primary habitable room. The VSC for window 61 goes from 24.3% to 8.9% a loss of 63% again breaching the Bre max loss of 20% and the VSC requisite of 27% VSC.

(Officer's comment: The above issues are addressed in the '**Amenity**' section below).

Amenity of proposed flats

- Concern that the light report is misleading: The ADF tests for No.26 seems unusually high for a basement/lower ground level room, and therefore it is questions their methodology on how they arrived at these results; The living space below ground level relying only on light wells is not acceptable.
- Many of the habitable rooms in the lower flats would have a singularly light-deficient outlook into narrow areas and, being constructed at such a low level, would be devoid of much natural daylight and no sunlight for nearly all of the year or all the year round.

(Officer's comment: The above issues are addressed in the '**Quality of residential accommodation**' section below).

Transport

- Traffic
- Front garden will be taken up with cars increasing the amount of off-street parking and adding to street parking contrary to policy
- reduce the parking spaces during construction process

(Officer's comment: The above issues are addressed in the '**Transport**' section below).

Plans inaccurate

- they have misrepresented roof heights and a depicted a chimney which sits further back on building and not on the front level

Netherhall Neighbourhood Association

These development proposals constitute an excessive over development doubling the area. This is achieved by the unacceptable proposal to create two new basement floors, extending the basic floor plan at ground floor out into the garden unacceptably beyond the rear line of the adjacent houses, extending the footprint significantly into the garden creating disproportionately small rear gardens reducing the green space, and extending the building on the south side at lower floors and ground and substantially at 1st, and 2nd floors where there is currently a single storey later extension at ground floor. This south extension places a substantial mass of building extremely close to the adjacent No 24a blocking rights of light to habitable rooms.

The loss of open space to the side of the building also effectively blocks off the gap between the No 26 and 24 which currently visually links the green space at the rear with the front gardens and highway, and threatens the "leafy" character which is an important aspect of this residential Conservation Area. Also the front "garden" is almost fully given over to car

parking, increasing off street car parking from 2 to 3 spaces.

Note the new proposals' plan titled Ground Floor is at the datum of the existing lower ground floor and therefore comparisons of floor levels are not accurate by nomenclature. It hides the fact that it is proposed to extend a further two storeys down.

The proposed new design is a significant and unacceptable increase in mass of the building and fails to create a building in character and harmony with the rest of the street. It should be looking to return the building to its original form and massing rather than seeking to knock down a key building in the street which contributes substantially to the Conservation Area. There will be considerable overlooking of neighbours from the new terraces created and the depth of the habitable rooms below ground level will create unacceptable living and sleeping areas at low levels within the new building.

We therefore strongly urge you to refuse this application.

The Heath and Hampstead Society

We raise objections to this application, as follows:

1. Demolition of existing house.

This is Locally Listed, and of a style and general description typical of the Queen Anne character of the Fitzjohns/Netherhall Conservation Area. It is in fact a very good example of the period, and we suspect that it is not statutorily listed only because no named architect can be discovered. Many features characteristic of the area would be lost, and the appearance and character of the CA damaged. The existing house contains 4 flats. The proposal would increase this by one; a very minor gain to balance the loss of this valuable listed house.

2. Basements

The general description of the development lists one basement. The drawings, not easy to read and possibly missing a floor plan, indicate 3 levels: see Section CCC.

The site is sloping, but however a basement is defined, there would be very extensive excavations, up to 10-12 metres deep, clearly exceeding the 3 metres maximum defined in Policy documents. The lowest (?) level of basement contains a large number of habitable rooms, including bedrooms. All are lit/ventilated by light wells, mostly of small size. We cannot believe that Camden's standards for living spaces are satisfied by these Dickensian dungeons.

Site Description

The site is located on the east-side of Netherhall Gardens and comprises a three storey building, with additional accommodation located within the roof space. This includes a lower ground floor level of accommodation which originally would have been concealed by the sloping front garden, however during the 20th century this has been excavated, with associated hard standing created at the front of the building. There is currently a single storey garage, with a half storey extension erected on the flat roof of the garage located to the side of the main building. The building is of brown/plum brickwork with red dressings, evocative of early Georgian buildings. However the overall composition has a loose vernacular/Arts and Crafts appearance, with an asymmetric layout of fenestration and an informal character. Features such as original timber windows with leaded lights, decorative ridge tiles, pargetting to the dormer gables and the large oriel window and good quality rubbed brickwork to the window arches elevate this building above merely a neutral contribution. Furthermore, the building dates from the first and most significant phase of development within the conservation area and shares the same broad characteristics of scale and grain. The site lies within a group of detached buildings where the predominant land use is for residential.

The site is not listed but is located within the Fitzjohns/Netherhall Conservation Area and is identified as making a positive contribution to its character and appearance.

Relevant History

13774: Erection of a basement garage and ground and first floor extension to be used in connection with the residential occupation of the existing building. Granted 20/12/1957

2012/4478/P: Use as 5 x self-contained residential units (Class C3). Certificate of lawfulness for existing use granted 12/11/2012

2014/6224/P: Erection of a four-storey plus basement detached building to provide 5 self-contained residential units comprising 4 x 2 bedroom and 1 x 3 bedroom units, including hard and soft landscaping, new boundary treatment and the provision of off street car parking, following demolition of the existing building (Class C3). Refused 19/01/2015

Reasons 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
- 2) The proposed basement, by reason of its site coverage and proximity to the boundaries of adjacent sites/buildings, coupled with the absence of a basement verification study and a S106 legal agreement to secure a basement construction plan would fail to sustain growth of vegetation and trees on the site boundaries harming the character and appearance of site, and fail to demonstrate that the proposal would maintain the structural stability of the neighbouring buildings, and would not adversely impact the local water environment and drainage.
- 3) The proposed residential units 1 & 2 which include accommodation at basement level, by reason of their poor outlook and access to natural light to habitable rooms at basement level would result in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to their occupants.
- 4) The proposed development, by reason of the felling of the mature category 'B' Lime tree (referred to as T6) would be detrimental to the character and appearance of the conservation area.
- 5) The proposed development, by virtue of the increase in on-street parking proposed at the site would fail to meet the Council's parking standards and would fail to promote the use of sustainable modes of transport.
- 6) The proposed development, in the absence of the provision of 10 cycle parking spaces fails to meet the Council's cycle parking standards
- 7) In the absence of accurate information in relation to the relocation of the vehicular cross over and associated level changes, the applicant has failed to demonstrate that the proposal would not impact on the existing street tree on the pavement outside the site, and that that the resultant changes to the relocated crossover would not result in impeding site lines and visibility splays by virtue of the existing street tree which would be detrimental to the safety of pedestrians and road users.

A further 8 reasons related to the lack of legal agreement securing various necessary requirements.

18 Redington Gardens

2010/5099/P: The erection of a new single dwelling house (Class C3) following the demolition of existing dwelling house. Refused 24/03/2011 Appeal allowed 14/03/2012

This application was refused at DCC, however the delegated report notes the following: *Whilst the building is identified as a positive contributor in the Redington/Frognaal Conservation Area Statement, on fuller assessment its contribution is considered to be more limited than that of other buildings in the area, which have not been subject to inappropriate alteration and are of a more consistent scale. English Heritage concur with this assessment and consider the building to make a neutral contribution to the character and appearance of the conservation area.*

Relevant policies

NPPF 2012

The London Plan 2016

LDF Core Strategy and Development Policies

Core Strategy:

- CS1 (distribution of growth);
- CS3 (other highly accessible areas);
- CS5 (managing the impact of growth and development)
- CS6 (providing quality homes);
- CS11 (promoting sustainable and efficient travel);
- CS13 (tackling climate change through promoting higher environmental standards);
- CS14 (promoting high quality places and conserving our heritage)
- CS15 (protecting and improving our parks and open spaces and encouraging biodiversity)
- CS17 (making Camden a safer place);
- CS18 (waste / recycling)
- CS19 (Delivering an monitoring the Core Strategy)

Development policies:

- DP2 (making full use of Camden's capacity for housing);
- DP3 (contributions to the supply of affordable housing)
- DP5 (homes of different sizes);
- DP6 (lifetime homes and wheelchair housing);
- DP16 (the transport implications of development);
- DP17 (walking, cycling and public transport);
- DP18 (parking standards and limiting the availability of car parking);
- DP19 (managing the impact of parking)
- DP21 (development connecting to the highway network)
- DP22 (promoting sustainable design and 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)
- DP28 (noise and vibration)
- DP29 (improving access)
- DP31 (provision of, and improvements to, public open space and outdoor sport and recreation facilities)

Camden Planning Guidance

- CPG1 Chapter 2, 3 and 6
- CPG2 Chapter 4
- CPG3 Chapter 11
- CPG4 Chapter 2 and 3
- CPG6 Chapter 6,7,and 8
- CPG7 Chapter 5,6, and 9
- CPG8 Chapter 5, 7, and 10

Fitzjohns Netherhall Conservation Area Statement

Assessment

Proposal: The applicant seeks planning permission to erect a four-storey building with basement following demolition of the existing building. The building would provide 5 flats (4 x 2-bed and 1 x 3-bed) with front and rear roof terraces and 3 car parking spaces. The scheme is broadly similar to the application refused planning permission 19/01/2015 (2014/6224/P) but has been altered to respond to the reasons for refusal relating to parking, cycle parking, trees and amenity. The scheme differs from the original scheme in the following ways:

- Provision of a communal cycle store for 10 cycles at sub-basement level (accessed via an internal lift)
- The rear light well (at lower ground floor level) would be provided with a mirrored wall
- A Daylight and Sunlight Study has been provided which assesses the proposed lower ground floor rooms
- Landscaping revised in order to retain tree 'T6' which is a Category B Lime Tree
- Parking arrangement amended so that it is set away from the tree and its root protection area. As a result, the overall level of car parking has been reduced to 3 spaces
- The existing crossover would be retained in situ (no changes are proposed to the footpath or dropped kerb to the front of the site which would necessitate removing or replanting the existing street tree)

The Key issues to consider are:

- Principle of demolition and the impact on the character and appearance of the conservation area
- Replacement building
- Residential Mix
- Quality of residential accommodation
- Amenity
- Basement
- Trees
- Transport
- Sustainability
- Appeal against non-determination
- Other

Assessment:

Principle of demolition and impact on the conservation area:

The applicant maintains their position that the loss of the existing building and its subsequent replacement with a high quality, sustainable building would preserve and enhance the contribution of the site to the Fitzjohns/Netherhall Conservation area. As the scheme has not been amended and no new information introduced the assessment included in the previous delegated report would be highly relevant to this assessment (and the first 3 sections are reproduced from this report).

The site is located within the Fitzjohns/Netherhall Conservation Area and is identified as making a positive contribution to its character and appearance. Policy DP25 of Camden's LDF outlines a clear presumption in favour of buildings that make a positive contribution to the character and appearance of a conservation area. Their loss will only be acceptable where "exceptional circumstances are shown that outweigh the case for retention." Furthermore, any replacement building must preserve and enhance the character and appearance of the conservation area to an appreciably greater extent.

Paragraph 134 of the NPPF is relevant in this case. It states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should

be weighed against the public benefits of the proposal, including securing its optimum viable use.” The loss of a single building in a conservation area of this size is considered to cause ‘less than substantial harm’. However, the value of the existing building and the degree of harm that would derive from its loss, as well as an assessment of the benefits of the scheme is a judgement that must be made by the Council taking into account the overall planning balance of the scheme. The Council must however be mindful of the statutory duty to “preserve and enhance” the character and appearance of the conservation area and accord it significant weight in this balanced judgement.

The Fitzjohns/Netherhall Conservation Area lies on the southern slopes of Hampstead, between Rosslyn Hill and Finchley Road. The area consists of wide roads with detached or semi-detached houses laid out on substantial plots, and is characterised by its generous tree cover and plentiful soft landscaping.

The site is located in sub area 1 (Fitzjohns), and is described in the Conservation Area Statement as:

“Built predominantly over a ten year period, from the late 1870s to the late 1880s, it marks the style and pre-occupations of the 1880s. Generally the architectural influences are the Queen Anne and Domestic Revival with purple and red brick, decorative ironwork, rubbed and carved brick, bargeboards and roof details.”

26 Netherhall Gardens is a substantial detached building, originally constructed as a single family dwelling house. The property is now of 3 main storeys, including a lower ground level and additional accommodation within the roof lit by dormers on the front and rear slopes. The building is an attractive composition of high quality purple/brown brick with rubbed red brick window heads, aprons, eaves detailing and decorative string course, and a prominent red clay tiled roof with decorative ridge tiles. The front elevation is an informal and asymmetric composition, enlivened with features such as an oriel window at 1st floor level, bracketed timber porch over the main entrance door and plaster pargetting detail to the dormer gables. The side elevation to the south is fairly prominent within the streetscene given the wide gap between no.26 and no.24a Netherhall Gardens. Whilst it is plain, it is not utilitarian or unattractive, with its tall expressed chimneystacks and red brick banding detail following through from the projecting string course on the front elevation. The north elevation has the same expressed chimney and brick banding but with unusually large windows. The rear elevation is simple and more symmetrical than the front, however it is also considered to be of quality, with rubbed brick window arches, pedimented dormers and red brick banding.

The Conservation Area Statement (p10) highlights in some detail the features which contribute to the architectural quality of the area and which include “...fine rubbed brickwork, terracotta enrichments, stained glass, fine wrought iron work, Tudor-style chimney stacks, extensive tiling and tile hanging, Oriel windows, stone mullions to windows, bay windows, large studio window for artists, well-detailed front walls gate piers, decorative tiled front paths, doorways and large porches, elevated ground floors.” Whilst this is a lengthy inventory of features it is intended to cover the full range of architectural form and style that can be found within the conservation area. Many of the buildings in the conservation area are impressive in terms of scale yet are relatively plain, exhibiting only a small number of the features referred to above, for example those at 19-34 Netherhall Gardens which the applicant’s Heritage Statement consider to be “lively and well fenestrated”. No.26 incorporates several of the forms and decorative motifs referred to in the Conservation Area Statement, primarily its rubbed brickwork embellishment, oriel window, projecting porch and elevated ground floor.

The Heritage Statement submitted in support of the application considers that the front elevation is “muddled” due to its fenestration of varying widths and styles. It also suggests that the façade is “inelegant and unbalanced” and that the position of the front dormers aligned with the two southern most bays serve to exacerbate this perceived uncomfortable layout and design. However, the informality and asymmetry of the front elevation reflects the Arts and Crafts influence of the period and which can be seen on many of the buildings within the conservation area, whereby the

expression of the exterior facades reflects the use and status of the spaces within.

The ridge height of the building is taller than its immediate neighbours however its general scale and form are in line with the prevailing character of the conservation area which is essentially a large detached house. The Conservation Area Statement (p19) makes reference to the roofscape of the buildings along Netherhall Gardens which have a dramatic impact due to the steep incline of the road. No.26 Netherhall Gardens is considered to contribute to this character.

As stated previously, there is a generous gap located to the south site between no.26 and no.24a Netherhall Gardens. It is clear from historic map regression that this was the original layout of the plots along Netherhall Gardens. It is acknowledged that this is atypical, and wider than many of the gaps between buildings. However, this does not necessarily lead to the conclusion that the gap is harmful per se. The building has been unsympathetically modified during the late 1950s or 1960s with the addition of a 1.5 storey structure to the south. This is considered to be out of keeping with the surrounding buildings and does not contribute positively to the conservation area, drawing attention to the gap between buildings. However, this structure need not be retained and a sympathetic replacement could enhance this portion of the site. Nonetheless, the gap above the structure gives views to the rear elevations of the houses located on Maresfield Gardens and to mature trees which is considered to be a positive feature.

It is acknowledged that the front forecourt of the building has also been unsympathetically altered, beginning in 1930 when an integral garage was incorporated into the building at lower ground floor level. This opening has now been infilled with a utilitarian metal window and retains its concrete lintel. Furthermore, it seems from historic maps that the building was originally encircled by a lightwell and the lower ground floor level elevation (that we currently see from the street) which was not readily visible, with the ground previously being ramped up to the main ground floor entrance. These alterations were in place as shown on the 1954 OS map and consequently formed part of the conservation area when it was designated and when the building was identified as making a positive contribution. It is accepted that the forecourt parking and the re-grading of the front garden undermines the setting of the building to a degree, however, this is not considered to be insurmountable and works could clearly be undertaken to improve the landscaped setting to the front of the building in a way which would enhance its character and appearance.

The applicant seeks to demonstrate that there are better buildings within the conservation area, some of which are statutorily listed, and others that make a greater positive contribution. However, the Conservation Area Statement (p30) is clear and stipulates that "The distinct quality of Fitzjohns/Netherhall is that it largely retains its homogenous mid-late 19th century architectural character. For this reason, most of the 19th century buildings make a positive contribution to the character and appearance of the Conservation Area." Thus, the character and appearance of the conservation area is a function of the sum of its parts and the cumulative contribution of all of its historic buildings, giving it cohesion and integrity.

This large dwelling on a substantial plot clearly reflects the local character, dating from the first phase of development, and is considered to be demonstrably contextual in terms of its grain, scale, form, appearance and detailing, having aesthetic and historical value in its own right. As such, the Council consider its proposed demolition would cause harm to the character and appearance of the Fitzjohns/Netherhall Conservation Area and its demolition is therefore considered to be unacceptable in principle. As such the proposal is contrary to policies CS14, and DP25 of Camden's LDF.

Replacement building:

The proposed replacement building would consist of a large detached building, nominally designed as a house but sub-divided into 5 residential units. The proposed design has progressed since the pre application stage, with revisions to the proportions, fenestration, dormers and balustrading proposed

on the front elevation.

The replacement building is wider than the existing, largely filling the gap to the south. A relatively traditional approach has been taken, albeit expressed in a contemporary manner. The building is of three storeys including accommodation within the roof. A large gable and adjacent dormers reflect the pattern of many other buildings within the conservation area. The front building line accords with that of no.24a and no.28 Netherhall Gardens allowing the building to sit comfortably within the streetscene. To the rear, the building line is more stepped, taking account of the neighbouring properties and the wider character of this side of Netherhall Gardens.

The proposed building is lower than the existing building with a ridge height broadly comparable to that of no.24 and no.28 Netherhall Gardens. The building consists of three main storeys of accommodation which is more than the two storeys of the properties located to the north. However, the existing building is also of three storeys, when taking into account the visibility of the exposed basement accommodation.

Whilst the existing building already has accommodation at lower ground floor, a further storey of habitable accommodation is to be incorporated beneath this. Lightwells will be introduced to the front of the building but these will be shallow and well setback from the road behind a relatively tall front boundary treatment. To the rear the additional basement accommodation is expressed. However, given the steeply sloping land this element will not be visible in public views of the building and is considered to have a very minimal visual impact on the character and appearance of the conservation area. A further storey of basement accommodation (Proposed sub-basement), to be used for storage, is proposed under part of the footprint of the house. This will have no external expression and thus no visual impact on the character and appearance of the conservation area.

The building is to be of red brick, with stone mullions to the windows (although these are mostly painted on other neighbouring buildings), a prominent chimney stack and finer detailing such as ridge tiles, stone banding and brickwork infill panels. The coloured picture of the proposed building in the Design and Access Statement appears to show grey slate for the roof however the drawing is annotated 'roof tiles'. Given that the predominant roof material on this side of Netherhall Gardens is clay tiles it is considered that a matching material would be more appropriate.

The proposed fenestration is slightly repetitive when seen on the flat elevation drawings. However, the smaller subdivision of the windows reflects the pattern of the neighbouring property at no.28 Netherhall Gardens and this contextual relationship can be seen in the photo montage on the final page of the Design and Access Statement.

In general terms, the scale, styling and detailed design of the proposed building are considered acceptable (subject to the points above). The use of forms such as a prominent gable, dormers and projecting bays, as well as features such as red brick, stone mullions and banding are considered acceptable and contextual within the conservation area. However, whilst the replacement building does have some architectural merit, this does not outweigh the harm that would be caused to the character and appearance of the conservation area by virtue of the demolition of the original building which is considered to make a positive contribution to the character and appearance of the conservation area. Notwithstanding the above it is considered that insufficient justification has been provided in respect of the demolition of the existing building.

Residential Mix

The proposed development would provide 5 flats (4 x 2-bed and 1 x 3-bed). The Use as 5 x self-contained residential units (Class C3). Certificate of lawfulness for existing use granted 12/11/2012

Quality of residential accommodation:

The proposed building is considered to provide a satisfactory level of residential amenity, in terms of its overall floorspace and room sizes and therefore the development complies with the requirements of CPG2-residential development standards and London Plan standards.

The floor to ceiling heights are considered to be acceptable ranging from 3m high at ground floor level and at ranges between 2.9 and 4.1m high on the upper floors. The floor to ceiling heights in the basement and sub-basement are 2.9m high. The scheme also has the potential to provide dedicated storage spaces and provides private outdoor amenity spaces in the form of rear gardens, roof terraces and balconies. No amenity space has been provided for unit 2. All habitable rooms have access to natural light and ventilation. Most of the units in the flats are proposed to be dual aspect at ground floor level and above with views looking out to the front and rear or lightwells, thus providing some level of outlook.

The applicant has provided a daylight and sunlight study which demonstrates that the lower ground floor rooms would all meet or surpass the BRE Average Daylight Factor targets (1% for bedrooms). However the accuracy of this report is questioned as the average daylight factor for bedroom 1 (duplex 1) is 1.3%. The credibility of sufficient light reaching this room is questioned as there is a ground floor projecting bay immediately above which covers 62% of the lightwell. This obstruction can be seen most clearly in section CC (drawing number GC645_S_CC_002 Rev B).

Therefore the concerns raised in the report for the previous application regarding the level of amenity in respect of the levels of natural light and outlook for the habitable rooms located at lower ground floor level (basement level) still stands. In particular bedroom 1 (duplex 1) would look out onto the wall of the lightwell (with only 2m separating the wall and the windows) and have a bay window immediately above it covering more than 60% of the lightwell. This is not considered to be acceptable. As such the proposal is considered to be unacceptable in respect of residential amenity provided to the future occupiers and is therefore contrary to policy DP26 of Camden's LDF and guidance for residential development standards contained in chapter 4 of CPG2 on housing, and constitutes a further reason for refusal.

A lift would provide access from basement to second floor. Lifetime Homes has been superseded by Part M4 (2) of the Building Regulations (1st October 2015). M4 (2) is similar to lifetime homes but requires totally step free housing. Compliance with M4 (2) would be secured by condition.

Amenity:

In terms of the proposed development's impact on existing residential amenity, it is considered that it would not be significantly detrimental to the neighbouring and surrounding occupiers by way of the loss of outlook, privacy, overlooking, or the loss of light, although it is acknowledged that the proposed development being built further south would result in the perceived sense of enclosure, particularly in terms of the first floor window that serves a bedroom at no.24a Netherhall Gardens which is located adjacent to the site. However, this is not considered a reason to refuse the application.

Specific concerns have been raised in relation to the impact on the amenity of 24A and 28 Netherhall Gardens. In particular concern has been raised in relation to the light levels reaching window 61 and 62. Both these windows serve a ground floor room. Window 62 is a large bay window facing the garden and Window 61 relates to a window either side of a bay facing towards 26 Netherhall Gardens. As window 62 (bay window) predominantly faces the garden and the proposed 2 storey development would only project 1.7m beyond the rear elevation of this property, the daylight reaching this window would be unlikely to be significantly affected by the development. Window 61 (2 windows either side of a bay) faces towards 26 Netherhall Gardens (although at an angle). This window is likely to receive reduced light (in the existing situation) due to its relationship with 26 Netherhall Gardens and its proximity to the high boundary wall / fence between the properties. It is also noted that these

windows both serve the same room as the bay window (window 62) which faces the garden. Any reduction in light to window 61 in this particular context would not be so harmful as to warrant refusal.

The impact on window 76 at 24A Netherhall Gardens was assessed during the previous application and there have been no change in circumstances since this application was submitted. Window 76 is a bedroom window and the officer previously noted *'the proposed development being built further south would result in the perceived sense of enclosure, particularly in terms of the first floor window that serves a bedroom at no.24a Netherhall Gardens which is located adjacent to the site. However, this is not considered a reason to refuse the application'*. Whilst it is accepted that the light levels reaching this room would be reduced, given that this is a bedroom in the context of 2 storey 3-bedroom house, this would not warrant a reason for refusal. Window 78 is a small window facing directly towards 26 Netherhall Gardens. It is likely that light levels to this room would also be reduced. However this window serves a hall with stairs leading to the first floor and is a space between the larger living rooms at the front and rear of the house. The reduction to the light levels reaching this room would therefore be acceptable.

Concern has been raised by the objectors regarding the Daylight and Sunlight report submitted with the application. The objector has sought advice from their own consultant (GIA) and some details of GIA's assessment have been provided. However, without the benefit of the full report it would not be possible to sustain a reason for refusal on this basis alone.

There is some officer concern with the Daylight and Sunlight Report as already referred to in the paragraph above (re the quality of the proposed accommodation). The issues with the daylight and sunlight report should be rectified if any subsequent applications on this site are submitted.

Basement:

The sub-basement is proposed to accommodate plant equipment, and will provide a floor area of approximately 117.1sqm. The basement level will be approximately 367sqm and will accommodate residential development. In terms of excavation it is proposed to excavate approximately 8.8m deep and given the raised levels at the rear of the site approximately 12.9m deep. Whilst 2-storey basements are not encouraged, CPG4 sets out the Council's approach to large basements: *Larger schemes, including those consisting of more than one storey in depth, will be expected to provide appropriate evidence to demonstrate to the Council's satisfaction that the development does not harm the built and natural environment or local amenity* (Paragraph 2.6).

The site investigation concluded that there is an area of land at the site shown in figure A in the report and referred to as TP4 that there remains the potential for some level of end user risk posed by concentrations of contaminants encountered and that remedial measures would be considered necessary to protect human health. It also concluded that as part of the remedial works the areas of permanent hard standing proposed would adequately break exposure pathways to human health and therefore further remedial measures may not be necessary in these areas. In areas in the rear gardens, patios and soft landscaping the soil should be removed from the site to mitigate risk and any materials brought onto the site (soils or clay) should be verified either at source or once laid at the site.

In accordance with policy DP27 (Basements and Lightwells), the applicant has submitted a basement impact assessment (BIA). The BIA has been independently assessed. The audit confirms that a Ground Movement Assessment (GMA) has been undertaken and a damage Category 0 (Negligible) to Category 2 (Slight) has been predicted for the neighbouring properties. The audit accepts that there are no slope stability concerns, no hydrogeological concerns and no hydrological concerns with respect to the development proposals.

Because a number of conclusions are based on necessary assumptions at present, it is recommended that a Basement Construction Plan is provided and approved prior to commencement on site and should include:

- trial pits to confirm assumptions regarding the depths of adjacent foundations or the greatest differential depth assumed between the basement and the neighbouring properties
- Justification for the approach used in the GMA
- design calculations for the rear garden L-shaped retaining walls
- assessment of the lateral movements of the front retaining walls to form lightwells and the effect of the construction activities on the adjacent highway
- an assessment of heave as a result of demolition and excavation
- measures to control heave arising from basement excavation
- mitigation measures to reduce potential movements down to a maximum of Burland Category 1 (very slight)
- results of condition surveys of potentially affected structures
- detailed monitoring scheme for potentially affected structures.

The BCP would be secured by legal agreement if permission were to be granted.

Basement development that extends below garden space can reduce the ability of that garden to support trees and other vegetation leading to poorer quality gardens and a loss in amenity and the character of the area.

Proposals for basement development that take up the whole front and / or rear garden of a property are very unlikely to be acceptable. Sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. These margins should be wide enough to sustain the growth and mature development of the characteristic tree species and vegetation of the area. The Council will seek to ensure that gardens maintain their biodiversity function for flora and fauna and that they are capable of continuing to contribute to the landscape character of an area so that this can be preserved or enhanced.

The basement development would extend to the rear of the site and the majority of the basement would be within 0.57m of the southern boundary. It is noted that the basement does not extend to a 9sqm triangle in the south east corner of the site however the basement extends under the majority of the garden (57%). The extent of the basement would reduce the scope of garden planting, contrary to CPG4 paragraph 2.16 and policy DP27 (paragraph 27.9) as sufficient margins would not be retained at the site boundaries to sustain growth of vegetation and trees.

This was referred to in the previous reason for refusal (reason 2) which stated: **The proposed basement, by reason of its site coverage and proximity to the boundaries of adjacent sites/buildings**, coupled with the absence of a basement verification study and a S106 legal agreement to secure a basement construction plan **would fail to sustain growth of vegetation and trees on the site boundaries harming the character and appearance of site**, and fail to demonstrate that the proposal would maintain the structural stability of the neighbouring buildings, and would not adversely impact the local water environment and drainage.

While it is accepted the audit has confirmed there would be no hydrogeological or hydrological concerns and a basement construction plan would be required, this does not resolve the aspect of the reason for refusal which related to the basement's site coverage and the proximity to the boundaries of adjacent sites which would fail to sustain growth of vegetation and trees on the site boundaries and so harm the character and appearance of the area.

Trees

The applicant has submitted an Arboricultural Impact Assessment in support of the application.

The report confirms that the oak tree (T2) in the rear garden has been removed since the previous survey (permission granted for removal in 2013). The roots of a mature oak tree (T1) located in the rear garden will be inevitably affected by virtue of any excavation into the raised area of grass and shrubs. The retaining wall close to the house will deter roots from the existing lightwell so this may be developed with minimal impact.

Trees (T3) and (T4) are quite a distance from the house and, as such does not pose a significant constraint on the site. However, it is recommended that ground levels should ideally be maintained throughout their Root Protection Areas if these two trees are to be retained.

The small street tree, T5, (cherry) has most of its roots beneath the public footway. The retaining wall along the front boundary will have deterred most roots from entering the front garden. However, as this tree matures its influence on soils within the front garden will increase.

There were significant concerns in the previous application with regard to 'T6' which is a Category B Lime Tree. The arboricultural report confirms this tree would be retained and the landscaping designed around the root system of this tree (the existing raised planting area around T6 would be maintained). As the landscaping around the tree is enclosed on all sides by a retaining wall, the report suggests this would have acted as an effective root barrier. This conclusion appears to be reasonable.

If planning permission were to be granted a tree protection condition would be included to ensure there were no harmful impacts from construction.

An objector has raised concerns regarding trees along the boundary of 24A Netherhall Gardens which have not been shown on the tree constraints plan. These trees could be affected by the proximity of the basement excavation (which is approximately 0.57m from the boundary). Without an accurate tree constraints plan and an impact assessment which addresses these trees it is not possible to confirm they would not be harmed by the development. The information about these boundary trees and the possible inaccuracy of the tree constraints plan was not brought forward during the assessment of the previous application and therefore represents new information which this application must respond to. The lack of information of the trees on the side boundary would therefore be a further reason for refusal.

Transport:

Car parking

The site has a PTAL rating of 6 which indicates that the site has excellent access to the public transportation network. The site also lies within a controlled parking zone (CPZ) which operates between 09:00-18:30 Monday-Friday, and between 09:30-13:30 on Saturday. 110 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%.

The proposal would retain 3 car parking spaces previously associated with the existing residential dwelling. This meets our parking standards for low parking provision areas which require a maximum provision of 0.5 spaces per residential dwelling. The applicant has provided swept path drawings, so it is evident that the hard landscaping would provide the necessary extra room for the vehicles to manoeuvre rather than provide additional parking spaces.

In addition, Development Policy DP18 states that the Council will "seek the provision of electric vehicle charging points as part of any car parking provision." The applicant would need to provide at least 1 electric vehicle charging point within the site. Details of the electric vehicle charging point would be secured by condition if permission were to be granted.

A car capped agreement with a maximum of 3 on-site car parking spaces would be secured as a section 106 planning obligation. This would allow the proposal to comply with Core Strategies CS11 and CS19 and Development Policies DP18, DP19 and DP21.

Cycle Parking

Development Policy DP18 (Paragraphs 18.12 and 18.13) requires development to provide cycle parking facilities in accordance with the minimum requirements of our cycle parking standards (Refer to Appendix 2 of Camden Development Policies document). We also expect development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan.

The proposed residential development consists of 5 units with 2 bedrooms or more. Therefore 10 cycle parking spaces for residential use are required to meet the London Plan's minimum cycle parking requirement.

The proposed basement plans suggest that 5 Sheffield cycle parking stands (10 spaces) would be provided, accessed by the lift. These stands should be at least 1m apart from each other. The proposed amount of cycle parking spaces and the type of cycle parking facility proposed is welcomed by Camden. The cycle parking proposals are acceptable and comply with Core Strategies CS11 and CS19, and Development Policy DP18. If permission were granted the provision and retention of the cycle parking would be secured by condition.

Management of Construction Impacts on the Public Highway in the local area

Camden Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Camden Development Policy DP21 relates to how a development is connected to the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).

This site is located in the Fitzjohns Netherhall Conservation Area and located next to South Hampstead Junior School, Southbridge International School and Northbridge House School. Our primary concern is public safety but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. In addition, the proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A CMP must therefore be secured as a Section 106 planning obligation.

In order to minimise traffic congestion and road safety issues during development works, construction vehicle movements would generally be acceptable between 9.30am and 3.00pm on Monday to Friday and between 8.00am and 1.00pm on Saturdays during school term time.

Highways Contribution

The summary page of Development Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'. The footway and vehicular crossover directly adjacent to the site could be damaged significantly as a direct result of the proposed works. We would therefore need to secure a financial contribution for highway works as a section 106 planning obligation if planning permission is granted. This would allow the proposal to comply with Development Policy DP21. A cost estimate (£9,951.80) for highway works has been provided by the Highways Delivery Team.

Sustainability

The Council requires development to incorporate sustainable design and construction measures (policy DP22). Any new residential development is expected to achieve a 19% reduction in carbon emissions from 2013 building regulations. The Council also expects developments to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. The applicant has provided an Energy & Sustainability Statement.

Energy efficiency measures have been incorporated into the development in order to deliver CO2 emissions savings. These measures include:

- Thermal elements of low U-values that exceed Part L1A 2013 standards.
- Double glazed and draught proofed units of high performance will be installed and Accredited Construction Details will be used to avoid thermal bridging, reduce heat losses and increase the air tightness of the structure
- A community heating scheme utilizing air sourced heat pumps (ASHPs) and gas-fired boilers to provide space heating and domestic hot water efficiently.
- Extensive provision of metering and controls.
- Energy efficient lighting, featuring low energy fittings, will be used extensively throughout the development.

The sustainability measures, as set out in the 'Sustainable Design and Construction' statement, would be secured by legal agreement.

Although the Energy & Sustainability Statement considers on-site renewables it discounts all options. The report also states 'there is no specific target set for developments to achieve in regards to renewable energy systems' (paragraph 4.3). This is not correct and as stated above the Council expects developments to achieve a reduction in CO2 emissions of 20% from on-site renewable energy generation unless it can be demonstrated such provision is not feasible (policy CS13 paragraph 13.11). It has not been demonstrated the provision is not feasible if permission were to be granted a clause would be included in the legal agreement securing an energy strategy which would include details of on-site renewable energy facilities.

Other:

Refuse storage is proposed on the front elevation and paragraph 5.1.20 confirms that it will be the responsibility of residents to take refuse from their apartments to the refuse store on the days of collection by local authority contractors. The housing units are considered to be of a sufficient size to allow for the accommodation of storage for domestic waste.

Appeal against non-determination

The Council's statement is due on the 6th May and the hearing will be on 12th July 2016. The appellant's grounds for appeal can be summarised as follows:

1. Demolition of the existing building

The existing building is considered to be of limited architectural quality and interest. It is not a good example of the local building tradition and has an unsatisfactory relationship with its surroundings. There are a number of more grand and better designed houses in the street and wider Conservation Area.

- a) The building has been substantially altered including the excavation of the basement level, flat roofed extension at ground floor level and the unsatisfactory arrangement of steps to the front elevation.
- b) "Architecturally, the principal elevation of no. 26 is muddled, with an inelegant and unbalanced arrangement of windows of different widths and proportions, which appear to be part of the original design intent for the house."
- c) There is "an uncomfortable pattern of openings in the main front wall of the house" which is

“exacerbated by the position of the two dormers above the two southern bays which serves to further unbalance the composition which was later compromised further by the visible basement level”.

- d) Altogether, the features do “not make a good building”.
- e) An appeal (ref no. APP/X5210/E/11/2161175) allowed for the demolition of a ‘positive contributor’ at 18 Redington Road. The Inspector outlined that the building made only a neutral contribution to the Conservation Area. This principle applies to the current application; 26 Netherhall Gardens makes only a neutral or very limited contribution to the Conservation Area given its muddled principle elevation and as such, demolition is acceptable in this case.

2. Replacement with a new residential building

During the previous planning application (ref no. 2014/6224/P) no issues or concerns were raised by the Council in terms of land use, density, design or architectural detailing. As such, these matters are considered to be agreed.

3. Suitability of the residential accommodation for future residents

All dwellings are considered to have acceptable levels of outlook.

4. Basement development

A Basement Impact Assessment has been provided as a part of the planning application. This demonstrates the basement is secondary to the main building

The Basement Impact Assessment concludes it is understood that any potential impacts arising from the construction of the basement can be ‘managed through the proper design and construction of mitigation measures’.

The appellant also addresses ‘impact on neighbors’ and ‘highways and sustainability’.

The grounds for appeal are addressed below:

1. The Council does not accept the existing building is of limited architectural quality and interest. The Council also rejects the appellant’s assertion that the existing building is not a good example of the local building tradition. No.26 incorporates several of the forms and decorative motifs highlighted in the Conservation Area Statement as contributing to the architectural quality of the area. Primarily these include the appeal building’s rubbed brickwork embellishment, oriel window, projecting porch and elevated ground floor. The large dwelling on a substantial plot clearly reflects the local character of the conservation area, dating from the first phase of development, and is considered to be demonstrably contextual in terms of its grain, scale, form, appearance and detailing, having aesthetic and historical value in its own right.
- 1a) It is acknowledged the building has been unsympathetically modified during the late 1950s or 1960s with the addition of a 1.5 storey structure to the south. Although this extension is considered to be out of keeping with the surrounding buildings in its own right, its impact is not so great as to detract from the positive contributor status of the original house. Due to its reversible nature, the structure need not be retained and a sympathetic replacement could enhance this portion of the site and the host building.

It is also acknowledged that the front forecourt of the building has also been unsympathetically altered, beginning in 1930 when an integral garage was incorporated into the building at lower ground floor level. This opening has now been infilled with a utilitarian metal window and retains its concrete lintel. Furthermore, it seems from historic maps that the building was originally encircled by a lightwell and the lower ground floor level elevation (that we currently see from the street) which was not readily visible, with the ground previously being ramped up to the main ground floor entrance. These alterations were in place as shown on the 1954 OS

map and consequently formed part of the conservation area when it was designated and when the building was identified as making a positive contribution. It is accepted that the forecourt parking and the re-grading of the front garden undermines the setting of the building to a degree, but not to such an extent to detract from its positive contributor status. However, these arrangements are not considered to be insurmountable and works could clearly be undertaken to improve the landscaped setting to the front of the building in a way which would enhance its character and appearance.

- 1b) The overall informality and asymmetry of the front elevation reflects the Freestyle and Arts and Crafts influence of the period and which can be seen on many of the buildings within the conservation area, whereby the expression of the exterior facades reflects the use and status of the spaces within. These features reinforce the positive contributor status of the existing house.
- 1e) The appeal at 18 Redington Road is not comparable, and each case needs to be considered on its own merits. Whilst the application was refused by the members of the Development Control Committee, the officer's committee report noted the following: *Whilst the building is identified as a positive contributor in the Redington/Froggnal Conservation Area Statement, on fuller assessment its contribution is considered to be more limited than that of other buildings in the area, which have not been subject to inappropriate alteration and are of a more consistent scale. English Heritage concur with this assessment and consider the building to make a neutral contribution to the character and appearance of the conservation area.* The inspector's decision included an assessment of 18 Redington Road and concluded "I concur with the view expressed by English Heritage that the existing building, considered on its own, makes a neutral contribution to the character and appearance of the Conservation Area". Therefore the assessment made by the inspector agreed with the assessment made both by the planning officer (in their committee report) and English Heritage. In this appeal Historic England (the successor to English Heritage) were not consulted due to the changes to consultation following the April 2015 amendment to the Town and Country Planning General Regulations 1992. Therefore there is no Historic England assessment of the contribution the appeal building makes to the conservation area. Furthermore, the Council's conservation officer does not accept that the building makes a neutral contribution; rather she has concluded it makes a positive contribution to the character and appearance of the conservation area.
2. Whilst there is no objection to the architectural design of the proposed building, there is an objection to the size of the basement which extends to the site boundaries at the rear and would be within 0.57m of the southern boundary. The extent of the basement would reduce the scope of garden planting, contrary to CPG4 paragraph 2.16 and policy DP27 (paragraph 27.9) as sufficient margins would not be retained at the site boundaries to sustain growth of vegetation and trees. This was referred to in the reason for refusal (reason 2) for the previous planning application (2014/6224/P) which stated: **The proposed basement, by reason of its site coverage and proximity to the boundaries of adjacent sites/buildings**, coupled with the absence of a basement verification study and a S106 legal agreement to secure a basement construction plan **would fail to sustain growth of vegetation and trees on the site boundaries harming the character and appearance of site**, and fail to demonstrate that the proposal would maintain the structural stability of the neighbouring buildings, and would not adversely impact the local water environment and drainage.
3. The Council does not accept that all the proposed dwellings would have an acceptable outlook. Bedroom 1 (duplex 1) would look out onto the wall of the lightwell and have a bay window immediately above it covering more than 60% of the lightwell. This room would therefore have an unacceptably poor outlook.

4. The basement impact assessment (BIA) has been prepared in accordance with the processes and procedures set out in Camden Planning Guidance 4. The basement impact assessment looks at the potential impact on land stability and ground water and surface water conditions. The BIA does not demonstrate the basement is secondary to the main building. As stated previously the extent of the basement would reduce the scope of garden planting, contrary to CPG4 paragraph 2.16 and policy DP27 (paragraph 27.9) as sufficient margins would not be retained at the site boundaries to sustain growth of vegetation and trees.

The basement impact assessment has been independently audited by Campbell Reith (the Council appointed assessor). This states that because a number of conclusions in the BIA are based on necessary assumptions at present, it is recommended that a Basement Construction Plan is provided and approved prior to commencement on site. The audit includes a detailed list of what the audit should include. The basement construction plan would need to be secured by legal agreement.

Recommendation: Refuse Planning Permission

