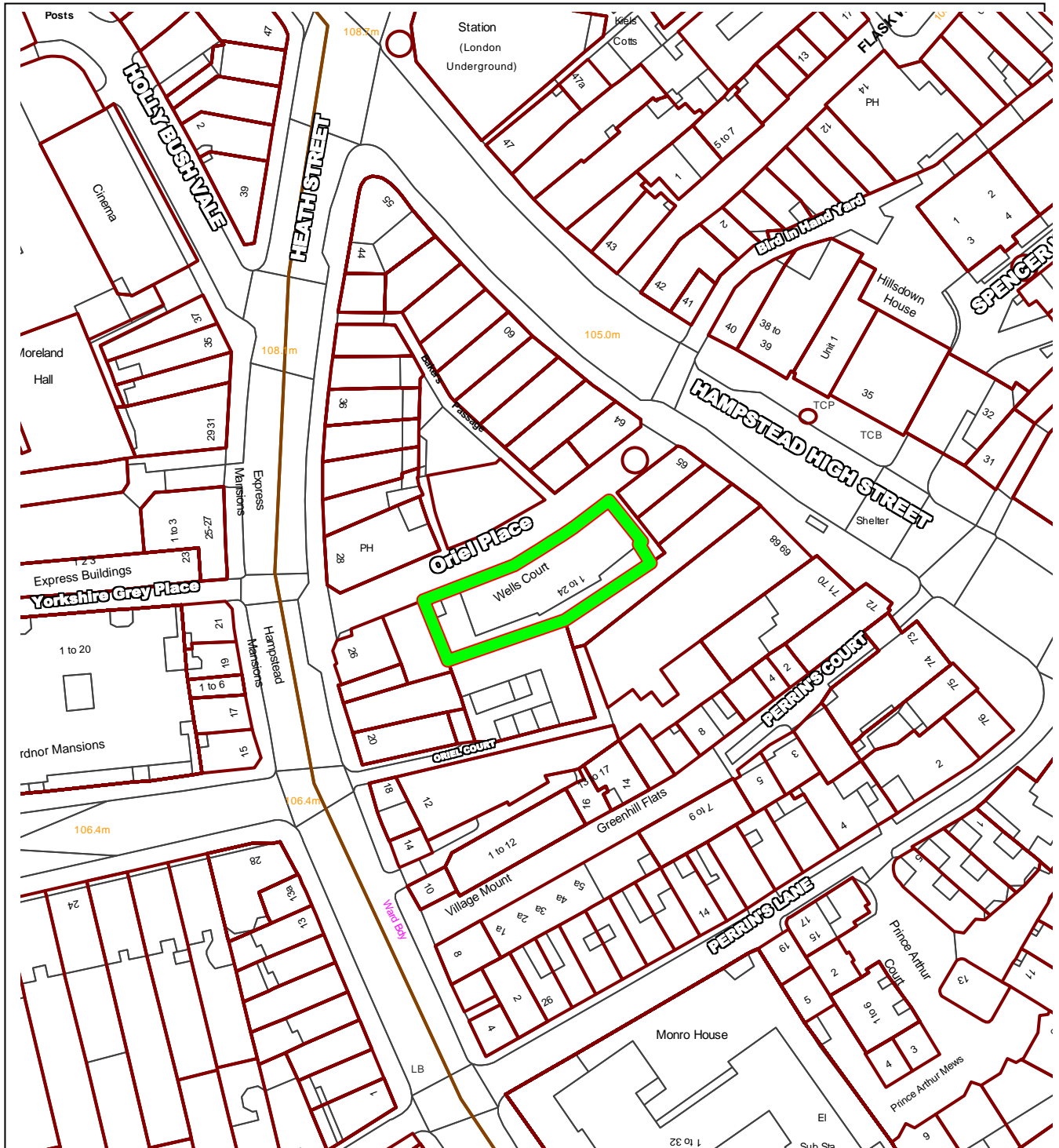
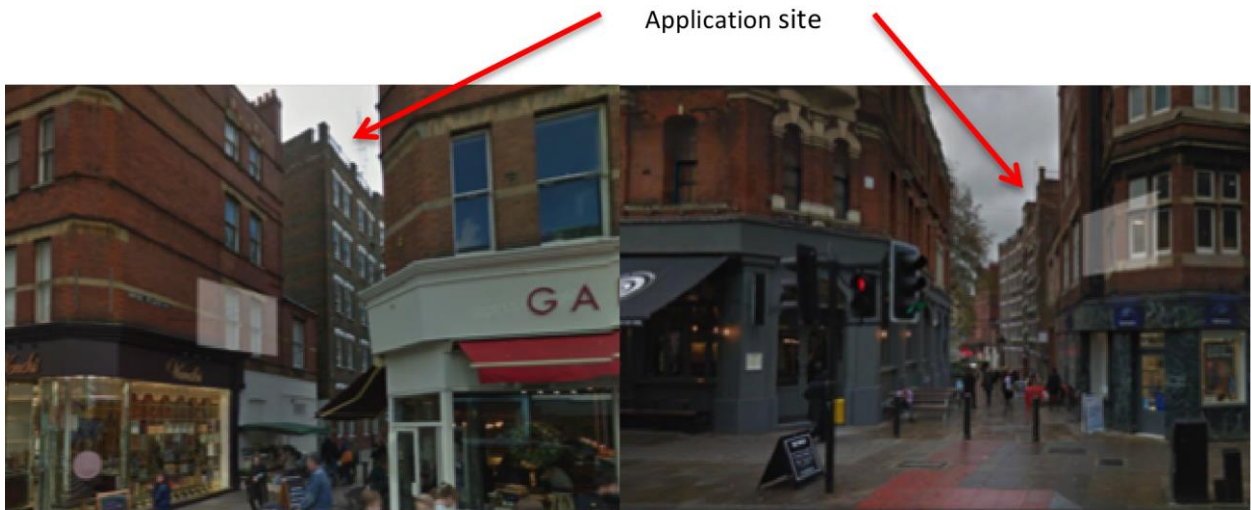


# Wells Court, Oriel Place - 2016/4890/P





**Fig. 2 'Birds-eye' view of site and surrounding context (looking south)**



**Left: View of application site from Hampstead High Street (looking south-west)**

**Right: View of application site from Heath Street (looking north-east)**



**Fig. 5 Comparison of existing and proposed front elevation showing symmetry retained**



**Fig. 8 Photos showing existing view from roof level to neighbouring windows of Nos. 65-67 Hampstead High Street**

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>03/11/2016</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>06/10/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Gideon Whittingham			2016/4890/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Wells Court Oriel Place London NW3 1QN			Refer to Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
		Charles Rose		
<b>Proposal(s)</b>				
Erection of mansard to provide 2 x 2 bedroom flats (Class C3) and associated alterations.				
<b>Recommendation(s):</b>		<b>Grant Conditional Planning Permission subject to a S106 Legal Agreement</b>		
<b>Application Type:</b>		<b>Full Planning Permission</b>		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	47	No. of responses	05	No. of objections	4
					No. of Support	1
Summary of consultation responses:	<p>A site notice was displayed from 14/09/2016 and a public notice was published in the Ham &amp; High from 15/09/2016.</p> <p>The following <b>support</b> was received from the occupier of 24a Heath Street:</p> <p><i>Design – scale, bulk and detailed design:</i></p> <ul style="list-style-type: none"> <li>• Excellent design</li> </ul> <p><i>Amenity:</i></p> <ul style="list-style-type: none"> <li>• No amenity impacts would result</li> </ul> <p><i>Provision and quality of residential accommodation:</i></p> <ul style="list-style-type: none"> <li>• Adds housing to the area</li> </ul> <p>The following <b>objections</b> were received from the occupiers of 1 Oriel Court, 2 Oriel Court, 5 Perrins Court, 4 Lower Terrace:</p> <p><i>Design – scale, bulk and detailed design (Officer response : 2.1 – 2.14)</i></p> <ul style="list-style-type: none"> <li>• Overpowering bulk (<i>Officer response: The size and form of the roof extension is considered appropriate</i>)</li> <li>• Contrary to Hampstead Conservation Area guidelines (<i>Officer response: The proposal complies with the Hampstead Heath Conservation Statement</i>)</li> <li>• Harm to skyline (<i>Officer response: The proposal would not be the subject of long views</i>)</li> </ul> <p><i>Provision and quality of residential accommodation (Officer response: 3.1 – 3.4)</i></p> <ul style="list-style-type: none"> <li>• Lack of disabled access (<i>Officer response: This requirement has been balanced with the preservation of the roof extension form</i>)</li> </ul> <p><i>Amenity: (Officer response: 4.1 – 4.7)</i></p> <ul style="list-style-type: none"> <li>• Result in shade to Hampstead (<i>Officer response: the proposal would be of no greater harm than the existing arrangement</i>)</li> <li>• Result in loss of privacy (<i>Officer response: no new openings would directly look towards neighbouring windows</i>)</li> <li>• Result in a loss of light (<i>Officer response: the proposal would not result in harm in this respect</i>)</li> <li>• Misleading sunlight daylight report (<i>Officer response: The document is in accordance with BRE standards</i>)</li> </ul> <p><i>Other Matters (Officer response: 1.2)</i></p> <ul style="list-style-type: none"> <li>• Absence of information regarding functioning of parent building (<i>Officer response: this proposal relates to a roof extension only</i>)</li> <li>• Will alter the existing building functions (<i>Officer response: The parent building will not change in terms of use as a result</i>).</li> </ul>					

<b>CAAC/Local groups comments:</b>	<p>The <b>Hampstead Heath Society</b> objected:</p> <ul style="list-style-type: none"><li>• Loss of sunlight daylight to wells court open space (<i>Officer response: 4.1 – 4.7 - the proposal would be of no greater harm than the existing arrangement</i>)</li><li>• The additional height would be perceived from many locations (<i>Officer response : 2.1 – 2.14 - the proposal would be not be subject to long views.</i>)</li></ul>

## Site Description

The site is located on the south side of Oriel Place, opposite the junction with Bakers Passage, both of which are narrow alleyways only accessible by pedestrians from Hampstead High Street or Heath Street.

The building is 6 storeys tall with the 6th floor itself being for plant and machinery.

The building is located within the Hampstead Conservation Area and Wells Court is considered to be a positive contributor within the Conservation Area.

The use of the building has been confirmed (see Relevant History) as 23 flats self-contained flats (Class C3).

## Relevant History

Wells Court, Oriel Place:

**Ref: 2016/1084/P** - Use as sheltered accommodation (Class C3) consisting of 23 flats self-contained flats. CERTIFICATE GRANTED 09/05/2016

**Ref: 10580** - Conversion to 13 No bed/sitting Rm.flats, 9 No One bedroom Flats, 1 No two Bedroom caretakers flat [Convert the building into 23 dwelling units].  
GRANTED 12/02/1971.

**Ref: CA/1983** - A non-illuminated contractors board 8' (2.46m) in width x 4'0" (1.23m) with an overall height of 20'0" (6.10m).  
GRANTED 06/03/1972.

1-5 Oriel Court and 1-24 Wells Court:

**Ref: 2012/0511/P** - Installation of 2 communal satellite dishes, a new antenna, a cabinet and new external cable running along two residential blocks (Class C3).  
GRANTED 10/04/2012.

## Relevant policies

### National and Regional Policy

**National Planning Policy Framework 2012**

**London Plan 2016**

### LDF Core Strategy and Development Policies 2010

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 and promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and the availability of car parking)

DP19 (Managing the impact of parking)

DP20 (Movement of goods and materials)

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)

### **Other Planning Policies / Guidance**

Camden Planning Guidance (CPG) 2016 – CPG 2 (Housing)

Camden Planning Guidance (CPG) 2015 – CPG 1 (Design), 3 (Sustainability) and 8 (Planning Obligations)

Camden Planning Guidance (CPG) 2011 – CPG 6 (Amenity) and 7 (Transport)

Hampstead Conservation Area Statement (2001)

## **Assessment**

### **1. Proposal:**

1.1 The application proposes:

- The removal of an existing service structure at fifth floor level.
- The erection of a slate clad true mansard roof extension at fifth floor level, comprising 18 x dormer windows (lead roof and cheeks)
- Continue front brick facade with 4 windows at fifth floor level
- Replace central window formation only from ground to fifth floor level
- The provision of 2 x 2 bedroom residential units, accessed via an existing but extended internal core

1.2 To clarify matters and contrary to a number of representations, the application does not propose:

- The change of use of the parent building from class C3 use
- A change of residential unit mix

1.3 The main issues for consideration therefore are:

- Design – scale, bulk and detailed design
- Provision and quality of residential accommodation
- Impact on neighbouring amenity
- Transport, access and parking
- Sustainability
- S106 / Other Matters

### **2. Design – scale, bulk and detailed design**

2.1 In terms of character, Oriel Place is a paved alley between the tall brick flank walls of Heath Street and High Street. It was rebuilt as part of the slum clearance of the 1880s and opens out in the middle with a small green (defined as Private Open Space) and large plane trees, punctuated by the austere Wells Court.

2.2 The building is a robust five storey Victorian block, featuring a flat roof, albeit with an existing service structure. It should be noted however that a building of this age would typically have had a shallow pitched roof and are often seen with converted attic accommodation. In this regard the principle of a roof extension is acceptable for a building of this type. The building is large enough to easily accommodate an additional floor without it feeling unbalanced or competing with the principle façade.

#### *Compliance with Roof Extension Guidance*

2.3 Camden CPG1 paragraph 5.7 sets out where roof extensions are likely to be acceptable, this includes where; "Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form."



2.4 Paragraph 5.8 refers to types of roof extension likely to be unacceptable. This includes:

- There is an unbroken run of valley roofs;
- Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design;
- Buildings or terraces which already have an additional storey or mansard;
- Buildings already higher than neighbouring properties where an additional storey would add significantly to the bulk or unbalance the architectural composition;
- Buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces;
- Buildings whose roof construction or form are unsuitable for roof additions such as shallow pitched roofs with eaves;
- The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level;
- Buildings are part of a group where differing heights add visual interest and where a roof extension would detract from this variety of form;
- Where the scale and proportions of the building would be overwhelmed by additional extension.

2.5 As set out in paragraph 2.2, the building is a robust Victorian structure. It has a flat roof and can easily accommodate a roof addition without unbalancing its composition. The proposal complies with all of the above criteria. Importantly the roof extension would not add significantly to the bulk and does therefore comply with point 4 (contrary to objections).

2.6 In addition it is not higher than neighbouring buildings. The buildings which fronts Hampstead High street which adjoin the site also rises up to 5 storeys in height. In this regard the proposal complies with the roof extension guidance in the Camden CPG adopted June 2015, also the mansard's pitch (66°) and gap required between the dormer and the ridge (500mm) comply with guidance.

2.7 There are also guidance policies set out in the Hampstead Conservation Area Statement. This dates from October 2001 and has been, to a certain extent superseded by the CPG but is still a material consideration. Policies H31 states that;

“Roof extensions are unlikely to be acceptable where:

- It would be detrimental to the form and character of the existing building
- The property forms part of a group or terrace which remains largely, but not necessarily completely, unimpaired
- The property forms part of a symmetrical composition, the balance of which would be upset
- The roof is prominent, particularly in long views
- The building is higher than many of its surrounding neighbours. Any further roof extensions are therefore likely to be unacceptably prominent.”

2.8 In response, both planning and conservation officers can confirm that the proposal would not be detrimental to the form and character of the building. Roofs of this type are typical of buildings of this age and style and it complies with our mansard roof extension guidance, The building has a flat roof and can incorporate an additional roof which would add to the its roofscape profile. Its composition is retained and reinforced with the proposal and it is not prominent in long views.

2.9 The building is not taller than many in its immediate setting and because of its discreet and secluded location is not prominent and will remain discreet within the streetscene.

2.10 Policy H32 is not relevant in this instance and policy H33 requires the details and materials to match the existing building which will be complied with.

2.11 There is a large existing service structure of 2.3m in height on the roof which would be replaced as part of the proposal. This is a large incongruous brick structure with flat roof and has no

architectural merit or relationship with the host building. The extension is designed to represent a traditional roof form, appropriate for the typology. The central stair compartment would also be raised in a manner similar to the existing arrangement.

2.12 Given the limited visibility of the roof or building due to the tightly knit historic street pattern the extension would be largely hidden from public view. Only short range views are likely from Oriel court where the new roof would be viewed as a gentle pitch.

2.13 The works would also include infilling open stair core with glazing. The glazing would suitably match the age and style of the building.

2.14 The works would not harm the character and appearance of the Hampstead Conservation Area or the character and appearance of the host building.

### **3. Provision and quality of residential accommodation**

3.1 The proposal would provide 2 x 2 bedroom units capable of accommodating 4 persons within the fifth floor roof extension totalling 156m<sup>2</sup> (GIA).

3.2 The dwellings would meet the floorspace requirements according to the London Plan for a 2 bedroom 4 person flats (>70m<sup>2</sup> GIA), providing a good standard of living accommodation with a minimum headroom of 2.3m and treble aspect living, providing plenty of openings for ventilation and outlook.

3.3 To ensure the development meets with the access standards in Part M of the Building Regulations requirements, this element shall be secured by condition to take into account the new standards. It should be noted that the parent building currently features a lift up to 4<sup>th</sup> floor level. In order to incorporate an extension of the lift service up to the newly created fifth floor level, the mansard would need to feature an overrun for fully accessible (disabled) units. Balanced with the conservation of the character and appearance of the building and the form of the proposed mansard, it is considered acceptable that extending the existing staircase to the new mansard be provided as a reasonable alternative in mind of these constraints.

3.4 Within this context, it is considered that each of the proposed dwellings would provide a good standard of accommodation, both of which would be of very high priority to Camden's housing stock.

### **4. Impact on neighbouring amenity**

#### *Privacy / Outlook*

4.1 Core Strategy policy CS5 and Development Policy DP26 seek to ensure that the residential amenity of neighbouring properties is protected, particularly with regard to daylight and sunlight, outlook and privacy.

4.2 To ensure privacy as per CPG6, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. Whilst it is acknowledged the development as a whole would be within 18m of adjacent properties, it should be noted that the dormers windows proposed at fifth floor level, by virtue of their position and height do not directly face any other residential openings, and therefore no harmful overlooking would take place as a result of the proposal.

4.3 The replacement and alteration of windows within the existing fenestration pattern would be of no greater harm than the existing arrangement.

#### *Sunlight / Daylight/ Overshadowing of neighbouring amenity space*

4.4 The Council will carefully assess proposals that have the potential to reduce daylight and sunlight levels for existing and future occupiers. The applicant has submitted a daylight and sunlight report following the methodology set out in the by the Building Research Establishment's (BRE) guidelines, namely "Site layout planning for daylight and sunlight: A guide to good practice (2011), in accordance

with CPG6 (Amenity).

4.5 The submission report includes calculations of predicted daylight and sunlight levels enjoyed by the occupiers of the surrounding buildings to demonstrate compliance with the Council's standards.

4.6 The lower slope of the mansard roof would be recessed from the east and west elevations of the parent building by 1.9m, whilst the terminating height of the upper slope would be >5.3m from the east and west elevations. As a result, the impact upon the closest dwellings would be negligible.

4.7 The proposed roof extension, owing to its main roof location, recessed position, pitch and proximity and orientation with adjacent residential accommodation would not materially harm the existing neighbour amenity in terms of daylight and sunlight, nor would it represent an increase in overshadowing to the adjacent open space on Wells Court.

## **5. Transport, access and parking**

6.1 In consideration of Policy DP18, the Council will expect development to be car free in areas such as central London and other areas with Controlled Parking Zones (CPZs) which are highly accessible by public transport. 'Highly accessible areas' are considered to be areas with a Public Transport Accessibility Level (PTAL) of 4 and above. The site has a PTAL of 4 and therefore the new residential units should therefore be made car-free, secured by a Section 106 planning obligation.

6.3 A development of this type would typically be required to provide a minimum of two cycle storage/parking space per new residential unit. Although the applicant has not included provision for the required amount of cycle storage/parking in the proposed design, the constraints of the site indicate this requirement should be waived in this instance.

6.4 Policy DP21 seeks to protect the safety and operation of the highway network and for some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via a Section 106 Agreement. Issues related to traffic disruption and associated noise could also be controlled in this respect. The application site has limited access and 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, therefore the development should be secured by a Section 106 planning obligation. Any agreed CMP would also include a requirement to consult locally.

## **6. Sustainability**

6.1 As per CP3, the amount of floorspace involved falls below the threshold of 500sqm or 5 units, therefore a BREEAM pre-assessment is not required.

6.2 The new units need to comply with London Plan policy 5.2 (35% reduction in carbon emissions beyond Part L building regulations) and must achieve water efficiency of 110 litres per day. This element will be secured by condition.

## **7. CIL**

7.1 The proposal would be Camden CIL liable - 156m<sup>2</sup> (GIA uplift of new floorspace) x £500 (Zone A CIL Tariff) = £75,000.

7.2 Based on the Mayor's CIL charging schedule and the information given on the plans the charge is likely to be £7,500 (156m<sup>2</sup> x £50).

## **8. Recommendation**

8.1 Conditional Planning Permission is recommended subject to a S106 Legal Agreement covering

the following Heads of Terms:-

- Construction and Demolition Management Plan
- Car free

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10<sup>th</sup> October 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Pennington Phillips  
16 Spectrum House  
32-34 Gordon House Road  
London  
NW5 1LP

Application Ref: **2016/4890/P**

05 October 2016

Dear Sir/Madam

**DRAFT**

**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:  
**Wells Court**  
**Oriel Place**  
**London**  
**NW3 1QN**

## Proposal:

Erection of mansard to provide 2 x 2 bedroom flats (Class C3) and associated alteration .  
Drawing Nos: Site Plan; Planning, design and access statement; Daylight and sunlight  
assessment , prepared by Anderson Wilde and Harris; 5871\_05; 5871\_06; 5871\_07;  
5871\_08; 5871\_14 Rev A; 5871\_10 Rev A; 5871\_11 Rev A; 5871\_12 Rev A; 5871\_13 Rev  
A; 5871\_15 Rev A.

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 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 [and DP25 if in CA] of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Site Plan; Planning, design and access statement; Daylight and sunlight assessment , prepared by Anderson Wilde and Harris; 5871\_05; 5871\_06; 5871\_07; 5871\_08; 5871\_14 Rev A; 5871\_10 Rev A; 5871\_11 Rev A; 5871\_12 Rev A; 5871\_13 Rev A; 5871\_15 Rev A.]

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

- 4 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 5 The dwellings hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2) in relation to accessible dwellings and shall be maintained thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between

dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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

Supporting Communities Directorate

**DRAFT**

**DECISION**