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**PLANNING AND DESIGN & ACCESS
STATEMENT**

28 MARESFIELD GARDENS

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Introduction

1. This Planning and Design & Access Statement is submitted in support of the application for redevelopment at 28 Maresfield Gardens, London NW3.
2. The planning application is for the excavation of a basement and construction of a lower ground floor extension to the rear; improvements to the roof and fenestration including the addition of a dormer window; improvements to elevational treatment and hard and soft landscaping works.
3. The report will set out the decision-making framework here, describe the proposals and, having assessed the scheme in light of the Decision-Making Framework, explain why the application should therefore be approved.

Decision-Making Framework

4. Section 38(b) of the Planning and Compulsory Purchase Act 2004 confirms that planning applications must be determined, *“in accordance with the [development] plan unless material considerations indicate otherwise”*.
5. As the proposal lies within a Conservation Area, there are also legal tests in relation to the impact of development here on any heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in any existing planning functions, *“special attention shall be paid to the desirability of presenting or enhancing the character or appearance of that area”*.
6. The NPPF and NPPG are important material considerations in the determination of this planning application.
7. Paragraph 215 of the NPPF advises that where local policies were not adopted in accordance with the Planning and Compulsory Purchase Act 2004, *“due weight should be given...according to their consistency with the Framework”*.

8. The NPPF also states that weight can also be given to relevant policies in emerging plans. Such a judgment is related to the stage of preparation, the number of unresolved objections and the degree of consistency of those policies to the Framework.
9. The development plan here consists of the Camden Core Strategy 2010, Camden Development Policies 2010, and Camden Policy Guidance documents. Strategic policies are contained in the London Plan (FALP) 2015. In addition, Conservation Area Statement on Fitzjohn's-Netherhall was produced in February 2001.
10. Camden is seeking to replace its Core Strategy and Development Policies with a new Local Plan. This has been submitted for Examination in June 2016.
11. Thus, any relevant policy contained in Camden's existing development plan must be assessed in terms of its consistency with the Framework, in order to determine what level of weight should be applied. Such a test must also apply to any emerging policy, along with any outstanding objections to that policy.
12. To assist in this process, the below schedules undertake this exercise to determine what the relevant policies are to the determination of this development.

Schedule 1: Relevant Policies in Camden's Existing Development Plan

<u>Core Strategy/Development Policies</u>	<u>Consideration as to whether consistent with Framework</u>
CS14: Promoting high quality phases and seeking Camden's heritage	Consistent: Strategic policy requiring a high standard of design
DP24: Seeking high quality design (plus CPG1: Design)	Consistent: Requires consideration of character and streetscene but also encourages innovation
DP25: Conserving Camden's Heritage	Part inconsistent: Does not reflect Paragraph 129 of the Framework of the significance of the <u>existing</u> "heritage asset" (i.e. Conservation Area or Listed Building etc.)
DP26: Managing the impact of Development on Occupiers and Neighbours	Consistent: NPPF requires "a good standard of amenity" for existing and future occupiers (Para 17)
DP27: Basements and Lightwells (and CPG4 Basements)	Part consistent with paragraph 109 regarding development impacts on the physical environment.

Schedule 2: Relevant Policies in Camden's Emerging Local Plan

<u>Draft Local Plan Policy</u>	<u>Weight related to outstanding objections and NPPF consistency</u>
Policy A1: Managing the Impact of Development	Medium weight: Outstanding objections on methodology for measuring impacts of noise, dust etc.
Policy A3: Biodiversity	Strong weight. Additional wording proposed reflecting NPPF and woodland. Objection that wording be strengthened.
Policy A5: Basements	Limited weight. Unresolved objections based on stringent tests applied to limits of basement development and assessment thereof.
Policy D1: Design	Medium weight. Some objections; but these chiefly related to tall buildings.
Policy D2: Heritage	Medium weight. Emerging policy now reflects NPPF's requirement for assessment of significance of <u>existing</u> asset, but objections that require this to be more explicit, in line with the NPPF.

Existing Situation and Context

13. The dwelling is situated on the eastern side of Maresfield Gardens, a straight avenue with mature trees that runs North-South. The topography of the land rises to the north so that Maresfield Gardens climbs a hill; 28 Maresfield Gardens is therefore situated at 90 degrees to the slope of the hill.
14. The dwelling consists of a substantial, brick-built, detached Victorian house. The house consists of 4 storeys, a lower ground floor, which is set at street level, a ground floor which is raised at a higher level above this floor, a first floor, and a second floor. The second floor is situated in the roof, however, it benefits from a gable providing a window, door and balcony to this floor. An image of the house can be seen at Photograph 1.



Photograph 1: 28 Maresfield Gardens as existing from front (looking NE)

15. The design and appearance of this house mirrors that of its neighbours (specifically, 24 to 30 Maresfield Gardens). These houses are detached, imposing residences, with pitched rooms to the right-hand side of the front elevation, with gables and bays on the left hand side. All of these dwellings

have been subject to alterations since construction. Images of the house in the context of the neighbouring properties can be seen in Photographs 2 and 3 below:



Photograph 2: 28 Maresfield Gardens from front (looking E). Adjacent are Nos. 26 (right) and 30/32 (left)



Photograph 3: 28 Maresfield Gardens from the front (looking NE). Adjacent are Nos. 26 (right) and 30/32 (left)



Photograph 4: 28 Maresfield Gardens from front (looking SE). Adjacent is Nos. 26 (right)

16. Number 28 has suffered from an unsympathetic decorative treatment whereby the exterior brickwork has been painted crème. This is at odds with the neighbouring properties, where the original brickwork has been left untreated. Two asymmetrically arranged velux rooflights in the pitched part of the roof detract from the character of the elevation, and jars with the solution adopted by neighbouring properties – i.e. a dormer window.
17. The elevations of the property are also characterised by neglect, with the property presenting a tired outward appearance in the streetscene. This reflects in part, the previous part – commercial use of part of the dwelling as a doctor's surgery.
18. There is, accordingly, an opportunity to improve the appearance of this imposing dwelling and return this house to its former glory as an attractive, period family home.

The Proposals and Assessment

19. Once renovated, and extended, the applicant intends to live in the property with his family. The desire therefore is to return 28 Maresfield Gardens into its former glory as imposing and attractive family home, albeit one suitable for 21st century living.
20. There are a number of components of the proposed which come together in concert to achieve the realisation of a family home here. These are explained accordingly to Design and Access principles below. Furthermore, these are then assessed accordingly to their performance against policies considered up-to-date and relevant.

Lower Ground Rear Extension

21. The lower ground floor of 28 Maresfield Gardens sits almost at street level to the front. The proposal includes a single-storey extension of this lower ground floor to the rear by 6.0 metres. This would accommodate a rear dining/living room which would be attached to the kitchen open onto the garden.
22. The new extension would be sympathetically designed using materials that reflect those of the main house. The rear door and patio doors follow a vernacular similar to the windows in the existing house. The lintels are of the same, curved, brick design as those on the rear of the main home.
23. The lower ground floor extension is well-designed and, in any event, would not be visible from the streetscene at the front. Therefore, it is in accordance with relevant policy relating to design and conservation, i.e. CS14, DP24 and DP25. As noted, DP25 is, to a degree, inconsistent with the Framework, and should include an assessment of the contribution made by the existing heritage asset. Emerging Policy D2 is more attuned to these requirements. Given the tired and neglected nature of No. 28, at present, this well-designed, alternative extension must be regarded as making, if anything, a positive contribution to the “*heritage asset*” (i.e. the building within a Conservation Area).

24. The root protection zone of one tree to the rear (plum) falls within the footprint of the proposed extension. However, as explained in the Landscaping Chapter of this document, this tree is considered to be of low quality. Its loss would also be mitigated by virtue of new planting.

Basement and Lightwell

25. Beneath the lower ground floor, a basement level would be excavated. This would include a garage, games and media rooms, as well as utility and store room.
26. This basement extension would be mainly under the footprint of the existing house (as extended) and would not extend further than the proposed hard landscaped area in the rear garden. It would be almost completely hidden from sight. Light would be provided in the form of a lightwell as part of the hard landscaped area in the rear garden.
27. The basement accords with existing policy DP27, as supported by CPG4. A large area of the rear garden (well over 50%) remains unexcavated. Therefore, a wide margin has been left between the rear boundary and the basement excavation, supporting the growth of trees, shrubs and plants. The provision of light to the basement, in the form of a lightwell rather than a skylight, conforms to the requirements in CPG4 which discourages the use of skylights for this purpose.
28. The basement excavation is supported by a robust Basement Impact Assessment (BIA) which accords with the requirements set out in DP27 and CPG4.
29. As noted it has been considered that very limited weight can be attributed to Camden's emerging Policy A5, owing to the fact that it has not been examined and there are a number of outstanding objections to it.
30. Notwithstanding the current status of this policy, the design of the basement is considered to accord to the objectives of Draft Policy A5, namely, to avoid

“harm to the amenity of neighbours affect the stability of buildings cause drainage or flooding problems or change the character of areas of the natural environment”.

31. In addition, while the basement would extend some distance under the rear garden, this would be no more than 50% the depth of the host building when including the rear (above ground) extension. The length of the proposed basement excavation is under 50% of the length of the existing garden, and within 1.5 times the footprint of the (un-extended) original house.
32. Further, the submitted arboricultural report explains that none of the trees in site would be damaged by virtue of the basement. The only tree that requires removal is a plum tree. This is as a result of the extension of the lower ground floor level in an area outside the footprint of the proposed basement.
33. The only criterion of the Draft Policy where there is a potential breach is Draft Criteria L, which prefers a set-back at property boundaries. However, it should be noted that, while elements of the basement would be close to the property boundary; this is not considered to cause harm to adjacent amenity or the wider natural environment within the garden.

Changes and Improvements to the Roof and Fenestration

34. The existing roof to the dwelling consists of a pitched roof to the south (i.e. the right-hand side) of the front elevation, and a gable to the north (i.e. the left hand side).
35. The proposal would address the neglect suffered by the roof by re-tiling. The unpleasing asymmetrical arrangement of two velux windows would also be addressed. A front dormer would be inserted into the roof, an approach which echoes the treatment adopted in neighbouring properties. This dormer would be constructed of appropriate materials that mirror the existing dwelling, including casement windows of a design found elsewhere in the house. The positioning of this dormer window would make a pleasing and sympathetic addition to the front elevation of the property.

36. The Fitzjohn's Netherhall Conservation Area Appraisal assesses the front elevations. Paragraph 128 of the Framework is clear that any impacts on existing heritage assets have to be assessed in light of the contribution currently made by the building or structure. Such an assessment is currently missing from Camden's Policy DP25, but is more readily reflected in emerging Draft Policy D2. While Draft Policy D2 has yet to be examined, it is considered that this can be afforded some weight due to relatively insignificant objections to that policy and its general consistency with the Framework.
37. Given the existing, poor arrangement of the roof, and the poor contribution this makes towards the Conservation Area, the addition of the well-designed dormer should be regarded as making a positive contribution.
38. Thus the improvements to the roof conform to the requirements of Paragraph 128 of the Framework and emerging Camden's Policy in this regard. Furthermore, the positive, sympathetic design of the dormer and fenestration chimes with the approach of Camden's Policy. DP24, complementing both the Character of the dwelling and the existing streetscene.

Improvements to Elevational Treatment

39. On all elevations, the windows would be renovated or replaced with fresh new wooden windows in keeping with the Victorian period of the property and its neighbours. The beige paint would be stripped from the brick, and the brickwork washed and re-pointed. This would return the dwelling to its original appearance and be consistent with its neighbours.
40. These proposals would therefore further enhance the contribution that the dwelling makes to the Conservation Area, with regard to the assessment as detailed at Paragraph 128 of the NPPF.
41. Accordingly, this work further complies with the requirements of relevant design and conservation policy (specifically CS14, DP24, DP25 (where consistent with the Framework), and emerging Policy D1 and D2).

Landscaping to Front and Rear

42. The setting of the dwelling would be further improved by the proposed landscaping to the rear garden.
43. The remaining areas of hard landscaping to the side and rear of the property would be improved, further enhancing the setting of the dwelling.
44. Within the majority of the garden, the existing soft landscaping would also be enhanced. All but one of the existing mature trees would be retained, and new trees and shrubs would be planted, further enhancing the ability of the garden to support plants and wildlife.
45. The front garden would also benefit from improved planting and landscaping, further enlarging the relationship between the proposal and the context of the streetscene.
46. The sole tree being removed from the rear garden is a low-quality (Category C) plum tree. The root protection zone of this plum tree falls partly within the footprint of the Lower Ground Floor extension. The Arboricultural Impact Assessment assessed this tree, and its removal, as follows:
“The loss of this low quality, interior site tree is rated as a low impact subject to the proposed mitigation of replacement planting. The somewhat indifferent condition of the tree and concomitant limited remaining life expectancy further reduce the impact of its removal.”
47. The Arboricultural Impact Assessment explains that the loss of this low quality tree would be mitigated by the provision of additional planting and landscaping. In conclusion it explains that, *“the proposals will not have any significant impact on either the retained trees or the wider landscape”*.

Conclusion

48. As noted above, the law states that planning applications should be determined in accordance with the development plan, unless material considerations dictate otherwise.
49. The proposed development has been assessed against the policies of the development plan where these are considered relevant and up-to-date.
50. There has also been consideration of the proposal against emerging policies where these can be apportioned significant weight in decision-making.
51. In returning the dwelling to its former glory as an attractive, well-designed family home, retaining and enhancing original features, the proposal would accord with relevant design and conservation policies. The proposed basement is supported by a robust Basement Impact Assessment, in line with adopted policy, and would be laid out to ensure the majority of the rear garden, comprising the trees and soft landscaping, remains un-excavated. The basement therefore accords with adopted policy and the aspiration of the emerging basement policy.
52. As the proposal therefore accords with the development plan, planning permission should therefore be granted on this basis.