

Our Ref: NS/GM/22841
Your Ref: 2016/5613/P

Date: 22 November 2016

BY EMAIL AND POST

Mr Kristina Smith
Planning and Development
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Dear Ms Smith,

HILLVIEW, VALE OF HEALTH, LONDON, NW3 1AN - LETTER OF PLANNING OBJECTION TO PLANNING APPLICATION (Ref. No. 2016/5613/P)

1. Introduction

We are writing to provide planning objections to the above application for planning permission (as submitted by Robin Toshyk and Daniel Wong on 20 October 2016). Please note that this is in our capacity as town planning consultants to our client and owners of the adjoining property Faircroft in the Vale of Health, Mr. David Burnett and Mr Michael Nourse. Mr Burnett and Mr. Nourse have already submitted individual letters of objection, but this letter expands on their concerns and describes the key planning / conservation issues and concerns in detail.

Our planning objections are also related to the objections to the application as recently made by the Vale of Health Society, The Heath & Hampstead Society and neighbouring residents.

This letter reviews the application submission, considers the proposals in the Conservation Area and the case made for them and comments on the appropriateness and acceptability of the proposals in planning and amenity.

This response takes into account the National Planning Policy Framework (NPPF), London Plan and London Borough of Camden (LBC) planning policy and Conservation Area guidance.

The key objection issues as described are:

- The proposals represent the overdevelopment of the site in this very sensitive Conservation Area setting on the banks of the Vale of Health pond on Hampstead Heath, to the detriment of the character and appearance of the CA and The Heath.
- The scheme would lead to the loss of visual amenity, aspect and privacy to the occupiers of our client's property and other neighbouring properties.
- The proposals are likely to result in an unacceptable local highways and amenity impact as a result of excessive construction activity for a considerable period of time.

- Site engineering, structural and hydrology matters have not yet been studied properly and taken into account as part of the application proposals.

2. Background and Current Proposal

The current application for planning permission is for the conversion of two flats into one dwellinghouse; the erection of a replacement rear conservatory which is set discreetly lower than the house with a raised large rear extension and with a large terrace on top of it; installation of two side dormers; other external alterations to front and rear elevations. The proposals involve the demolition of the rear elevation, further demolition of the interior that is removal of all floors and joists and beams at all levels, demolition of the roof and extensive construction works below and above ground.

The sections below address the impact that the proposal has on the application site, neighbouring properties and Conservation Area.

3. Submission Drawings and Documents – missing items and inaccuracies

The NPPF provides the basis for LPA local planning policy – it requires a good standard of design, plus expects sustainable development that protects local amenity and the historic environment.

Heritage matters - in the first instance it should be noted that the application submissions are not considered to comply with the requirements of the NPPF. As stated in paragraph 128, when determining applications, LPA's should require applicants to describe the significance of the heritage assets affected and the contribution made to their setting. According to paragraph 129, LPA's should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

This major proposal is being carried out within a "heritage asset" of the Hampstead Heath Conservation Area. As the site falls within the Conservation Area, it is clear that a Heritage Statement needs to be prepared as the works proposed carry out substantial demolition works to the property which is set within a Conservation Area. The requirement for this is set out in Camden's Local Area Requirements for Planning Applications Validation List. The applicant has submitted a 'Historical Context Report' which is not considered to be sufficient in detail relating to the significance of the heritage asset affected. Although details can be found within the Planning Statement it is considered to lack the detail necessary and it is considered that there is limited description and assessment of the heritage assets and it does not appropriately address the heritage assets significance or harm caused to them by this proposal. Therefore the conclusions provided within the submitted statement are not made on a sound basis and considerably underestimates the harm caused to the Conservation Area. The failure to supply an in-depth Heritage Statement means that the application fails to meet LPA validation requirements.

Archaeology - the site is located within the Hampstead Heath Archaeological Priority Area and as a result an Archaeological Assessment is required. The assessment is required as a validation requirement set out within Camden's Local Area Requirements for Planning Applications. It is considered particularly important due to the existence of underground rivers and streams which lead to the Vale of Health Pond on Hampstead Heath. Some of these were

found on site close to the surface directly under Hillview. It is considered that due to these rivers and streams the inclusion of the Archaeological statement is particularly important in order to assess the full impact of the proposals on the development site and surrounding neighbouring properties. The impact the proposals would have on the Archaeological priority area must be considered as a key planning consideration. A desk based assessment is required in line with the requirements of NPPF paragraph 128. The failure to supply one means that the application fails to meet LPA validation requirements.

Site plan - the Council's validation requirements state that applications must have a site location plan measuring 1:1250 or 1:2500 and block plan measuring 1:500. Though in the submission drawings it claims to show that both have been submitted, it is clear that when they are viewed beside each other, that they are in fact the same drawing, with different titles. This is considered to be clearly an act of misleading information. It is considered that again on this basis the application should not have been validated.

Planning Statement - in Article 2 of the Town and Country Planning (Development Management Procedure (England) Order 2015, it clearly states that Design and Access Statements must explain the applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed. Upon review of the document submitted entitled, 'Planning Design and Access Statement', it is considered that there are not sufficient details to meet the requirements of article 2 relating to consultation or information relating to access arrangements for the site. Furthermore there are not any details relating to construction access. The site is located in the middle of the terrace at the very beginning of The Vale of Health on a narrow road which is also a dead end 'cul- de-sac'. The need to protect residents rights in relation to health and safety matters, public road access and emergency ambulance and fire access at all times have not been addressed.

Geo-technical report – this is also considered to be essential in order to assess the impact of the proposals. The site as previously mentioned sits atop of a number of underground rivers and streams which leads to the Hampstead Heath Ponds at the ends of the gardens. Based on Geotechnical reports submitted for neighbouring sites and The Garden House just a few metres away groundwater is recorded at levels between 0.38m and 0.83m. This clearly indicates that any construction works would need to consider how any proposed works would impact the ground conditions. The ground is unstable and the proposed works especially the underpinning of Hillview with large very heavy concrete on all four of its sides will have a detrimental impact to the stability of not only the proposal site, but also the neighbouring properties. Whilst the underpinning of Hillview might protect Hillview to some extent this will leave all of the rest of the terrace unprotected. Without further details submitted for the Council to review, it is considered that the Council could not grant planning for a proposal that could result in detrimental harm to the structural stability of the terrace.

Images - whilst perspective drawings have been submitted of the dormers, this does not include an image of one of the key views to consider i.e. from the west looking east towards the properties from the top of the hill and down the pathway which connects the Vale of Health to East Heath Road via a heavily used pathway. The path is used by members of the public on a daily basis. Such an image which should have been included would clearly show that the proposed dormers would be in full view and would have a significant detrimental impact on the views of the terrace roofscape as a whole which would negatively impact the conservation

area. The same applies to the proposed removal of all the chimneys which are an integral part of the Victorian House façade and landscape. A Victorian house looks 'undressed' without chimneys. Their demolition would negatively impact the conservation area.

Based upon the details set out above, it is evident that this application has a large number of issues relating to a lack of information provided. The amount of details that the Local Planning Authority clearly requires to make a completely informed decision, the details set out above must be included. Therefore it is considered that the application be refused on lack of information.

4. Heritage and Design

The London Plan (2015), LBC Core Strategy and LBC Development Plan Policies (July 2015) contains a number of policies relevant to the proposal.

London Plan policy 7.4, Local Character and LBC policy DP25, Conserving Camden's Heritage Context and Character requires all development to respect the existing context, character and appearance, taking opportunities available to improve the quality and character of buildings and the area and the way it functions. London Plan policy 7.6- Architecture and LBC Policy DP24 – Securing High Quality Design requires all development to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions.

London Plan policy 7.8 and LBC policies CS14 and DP25 relate to Heritage Assets and state that the Council will require development to preserve and to take opportunities to enhance the cherished and familiar local scene and protect the heritage significance of listed buildings. It is considered that the proposed rear extension is out of character with the surrounding area.

As existing, the site benefits from a low profile conservatory extension. This is less harmful than the proposed extension on the basis of mass and bulk alone. The existing conservatory has a pitched roof which means that the extension is not as bulky. However the proposed would result in a rear extension which would have a bulk and mass which would not be in character of the surrounding area. It will be disruptive of the character of this part of the Vale, It would constitute an unwelcome alteration to the rear elevation facing the Pond and the public footpath along the pond's banks.

As previously mentioned the proposal includes the removal of all the chimneys which are an integral part of the Victorian House façade and landscape. A Victorian house looks 'undressed' without chimneys. Their demolition would negatively impact the conservation area.

5. Loss of a Residential Unit

Paragraph 47 of the NPPF seeks to protect existing housing from being lost and meet housing targets. In this instance it is clear that the proposals fail to meet the requirements of paragraph 47.

The loss of a two suitably sized flats to one single residential unit is considered to harm the principles of National Policy.

6. Impact on residential amenity

LB Camden Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission that does not cause harm to amenity. There are a number of areas which the Council consider important to residential amenity. Of the seven areas set out in the policy, it is considered that the proposed development would result in detrimental impacts on three of these criteria, namely visual privacy and overlooking; overshadowing and outlook; and sunlight and daylight.

The proposed rear extension will accommodate a rear roof terrace which will serve a reception room on the first floor. The roof terrace will measure approx 4.0m in depth and extend to virtually the full width of the house with the ability to be used by large numbers of people at any one time.

The proposed is considered to provide the ability to overlook into the garden of Faircroft and all the other neighbouring gardens and also into separate habitable rooms on the rear elevation of Faircroft and of the neighbouring rear elevation rooms. At first floor level, there is a reception room that is used as the main living room at Faircroft. At second floor level there is the master bedroom. The rear terrace will cause detrimental impacts to the visual privacy of our client. This is also an issue for the neighbours to the north of the property.

In terms of overshadowing and outlook it is considered that the proposed rear extension would cause detrimental harm to the enjoyment of the rear garden at Faircroft. As existing the rear garden to Faircroft is very narrow and to the south side an existing two storey and three storey rear extension of considerable width blocks out a lot of light. The existing conservatory allows for significant levels of light to pass through to the rear garden, particularly in the afternoon when there is no sun whatsoever on this east side of the houses. The proposals include removing the conservatory and replacing it with a one storey rear extension right up to the boundary line and a 1.8m high privacy screen on the roof terrace. This would result in the elevation measuring at least 4.2m in height. This is considered to result in a development which would detrimentally overshadow the rear garden of Faircroft resulting in a sense of enclosure which would detrimentally ruin the enjoyment of the rear garden for existing and future residents. This sense of enclosure would harmfully limit the level of natural light enjoyed by the occupiers of Faircroft. The applicant has not submitted a Daylight and Sunlight report and this is considered to be essential to assess the impact of the proposed development on the neighbouring properties.

It must be highlighted that our client's ground floor living room is a conservatory and that due to existing neighbouring extensions to the south of Faircroft enclosing it on three sides and at two and three stories high, our client completely relies on the light from the north of the property. The proposals will result in two storeys of extension and screening and block out much of the possible lighting from the north. This will result in a sense of enclosure within our clients own living space. This is considered to be completely unacceptable.

Based on the above it is considered that the proposed development would result in a detrimental impact to the amenity of Faircroft and is therefore considered to be contrary to policy DP26 of the London Borough of Camden's Development Management Policies.

7. Conclusions

It is considered that the submission does not comply with the requirements of the NPPF, London Plan or LBC policy in that it does not properly assess the significance and impact upon the heritage assets.

The scheme represents the overdevelopment of the site on Metropolitan Open Land in this sensitive conservation and Heath area and setting.

Furthermore the proposals will result in a detrimental impact to the amenity our clients benefit from in terms of overlooking, daylight and overshadowing. It is clear that the proposals will result in a detrimental sense of enclosure for the occupiers of the adjoining property.

The proposals will also result in a detrimental impact to the amenity of the other neighbours and to their privacy.

The application also fails to supply a significant level of detail in terms of application material. As set out above there is a significant amount of detail that must be considered prior to approving planning permission that has not been submitted. This includes a Construction management Plan, Heritage Assessment, Archaeological Impact Assessment, a Geo-technical Report and a detailed access section within the Design and Access Statement.

Furthermore, it is considered that some of the information within the application is, knowingly or not, misleading. This relates to the Site and Block Plans and the perspective drawings

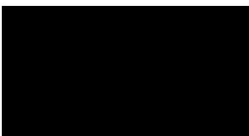
It is clear that the application will also see the loss of a residential unit, which is against National Policy.

For these reasons this scheme would represent a proposed overdevelopment at the site and should be refused planning permission.

Please would you take these planning objections into account when this application is considered at Committee and recommend that the application be refused permission.

Do come back to me should you have any queries at all.

Yours sincerely,



Geoff Megarity
Planner

Cc:
Charles Thuaire- London Borough of Camden
Michael Nourse