

West End Green Conservation Area Advisory Committee
37 Crediton Hill
London NW6 1HS

Email: [REDACTED]

20 December 2016

Mr David Glasgow
Planning Solutions Team
London Borough of Camden
Camden Town Hall
5 Pancras Square
London N1C 4AG

Dear Mr Glasgow

Re: Application Number 2015/6455/P – 156 West End Lane, NW6 1SD

Please note that this is a substantially revised submission further to an earlier submission on this application made in January 2016.

Summary

The Application for this site, for the reasons set out below, goes beyond that which should be permitted for a development immediately adjacent to and adjoining the West End Green Conservation Area.

We wish to draw particular attention to Section 7.2 of the February 2011 Appraisal Strategy for West End Green (Control over New Development), which states that:

“Development proposals must preserve or enhance the character or appearance of the West End Green Conservation Area. This requirement applies equally to developments which are outside the Conservation Area but would affect its setting or views into or out of the area.”

We believe in particular that the height, mass and bulk of the proposed blocks would have a serious deleterious effect on the Conservation Area in breach of the requirements for development as set out below.

We wish to remind the Development Control Committee that under the National Planning Policy Framework (NPPF) conservation areas are designated heritage assets and their preservation is to be given great weight in planning decisions. Most recently, Mr Justice Stewart, in a recent Appeal Court decision (*Obar Camden Limited v The London Borough of Camden*) stated that the setting of listed buildings and the character of the conservation area had to be given “**considerable importance and weight**”.

We call on Camden Planners and the Development Control Committee to respect the Conservation Area policies and principles that apply in this case and refuse this application.

Submission

I am the Chair of the West End Green Conservation Area Advisory Committee ("WEGCAAC"). I have been a member of that committee for several years now. I am also Chair of the Crediton Hill Residents Association – for over nine years – and have been resident in West Hampstead for over 27 years.

I am writing in this instance for and on behalf of the WEGCAAC in opposition to planning submissions by A2 Dominion for the site at 156 West End Lane ("156WEL") (Application No. 2015/6455/P).

As you will be aware, the WEGCAAC is responsible for ensuring that the statutory guidelines of the West End Green Conservation Area Appraisal and Management Strategy are enforced to the fullest extent possible. Our Committee takes these responsibilities very seriously and the members have collectively over 60 years of experience in looking after the WEGCAAC since it was first designated in 1993.

The Conservation Area in West Hampstead as you will know is specifically enshrined in the West End Green Conservation Area Appraisal and Management Strategy document produced in February 2011. Camden Development Policies of 2010, under Policy DP25, "Conserving Camden's Heritage", further lend considerable weight to the local conservation area policies and principles, as do the Camden Site Allocation Plan and the recently adopted Fortune Green & West Hampstead Neighbourhood Development Plan.

The CA Appraisal document of February 2011 specifically acknowledges the special qualities of the West End Green Conservation Area and clearly defines that character and the pressures that affect the area. Since the document was drafted in early 2011, those pressures have become all the more apparent and special care and attention are now critical to maintain what is left of the character of the area.

The Management Strategy in the Appraisal document sets out actions for the preservation and enhancement of the area's special character and to anticipate possible future changes. As such the Appraisal document forms an essential part of any material consideration of any planning applications in and around the area.

In February 2011 the Appraisal Document stated the following:

West End Green is a London village running along the spine of the West End Lane. The Lane rises and links Kilburn to Hampstead. The village character has been absorbed but not erased by the expansion of central London from the south, and by Hampstead from the north and east during the late nineteenth and early twentieth century.

The growth from tiny village to metropolitan suburb has resulted in a very homogeneous piece of Victorian and Edwardian domestic architecture and

planning. The character of the area is still defined by the village with the busy commercial 'spine' street, the Green, the street trees and private gardens, the monumental mansion blocks, the variety of substantial houses for professional families and terraced housing. The public buildings support the community and provide landmarks.

In the space of over five years much has obviously changed and unfortunately this no longer sounds like the same West Hampstead in which we now live. What is left of that character – as defined in the Conservation Area Document – is now under very severe threat.

In its submissions made to the local community, the Applicant has argued that Conservation Area principles were not relevant because the site was outside of the Conservation Area. The Applicant has marginally modified their tone on this subject through successive submissions but largely seems to take the view that while Conservation Area principles are desirable in general terms, they can be circumvented through clever presentation and design.

We firmly believe, however, that they cannot and must not be circumvented and must be considered in their entirety. At the heart of this is Section 7.2 of the February 2011 CA Appraisal Plan (Control over New Development), which document notes that:

“Development proposals must preserve or enhance the character or appearance of the West End Green Conservation Area. This requirement applies equally to developments which are outside the Conservation Area but would affect its setting or views into or out of the area.”

This statement is precisely mirrored in the following planning policies:

- **National Planning Policy Framework (NPPF) (March 2012)**, which states that any development should “...conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.”
- **Camden Development Policy DP25(d)**, which states that the council should, “not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area”.
- **Camden Site Allocation Plan**, which states that development should “protect and enhance the character and appearance of” the West End Green Conservation Area.
- **Neighbourhood Development Plan**, which states:
 - (Design & Character Development) ... will be of high-quality design and will need to reflect the existing styles of the Area, large parts of which are covered by Conservation Areas. The **height of new buildings shall have regard to and respect the proportion, scale, massing and rooflines of existing buildings in their vicinity and setting.** In all development there

shall be a clear presumption in favour of preserving the distinct character and appearance of the Area, as well as the views across it.

- Tall buildings in the Growth Area will need to have regard to their impact on the setting of the two immediately adjacent conservation areas, in order to avoid any negative impact on them.
- Also of importance to the character of the Area are the views across it, which give a widely appreciated sense of openness and space. **Of particular note are the views to the east to Hampstead (in particular the view of St John's Church) and, from the higher parts of the Area, the views to the south to the skyline of central London. Views of, from, and around the Area's conservation areas are of great importance to their setting. The railway corridors provide the space for significant views across the Area and an important sense of openness - in particular in and around the West Hampstead Growth Area.** In addition, streetscape views are important, particularly in areas of terraced housing and mansion blocks
- POLICY 3: Safeguarding and enhancing Conservation Areas and heritage assets
 - ii. Proposals which detract from the special character, and/or, architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported.

When one compares the Applicant's planning submission with the Appraisal Plan of February 2011 and other relevant planning guidelines, it is clear that the proposals fall well outside any attempt to work within the Conservation Area guidelines. If anything, they make a mockery of those guidelines.

- Under Section 5.2 of the Appraisal Plan, (Key Views) it is noted that "*.... attractive are the views along Lymington Road and Crediton Hill and the area east of the Lane, with the tree-lined streets, gardens and varied roofscape, hinting of the garden suburb movement.*" What kind of "garden suburb" area has tower blocks overlooking and overshadowing to any extent like those proposed here?

It is obvious from the plans submitted that the "attractive views" along both Crediton Hill and Lymington Road would be all but obliterated by the Applicant's proposals. The "varied roofscapes" would be completely overshadowed and dominated by the proposed tower blocks and would be visible for miles from any elevations in the surrounding areas.



Image demonstrating impact of Blackburn Road student accommodation and Ballymore development on long views encompassing the West End Green and South Hampstead Conservation Areas

The West Hampstead area has only one remaining long, open view in/out of the Conservation Area from West End Lane, this being from the bridge and junction with Iverson Road looking northwards (as shown below). We believe that the solution to a "low-grade" "1970s office block" blighting "the view up from the station into the conservation area" is redevelopment of that office block into something more suitable. It certainly does not mean the obliteration of all views into the Conservation Area through the imposition of an impenetrable wall-of-blocks blight as proposed by the Applicant.



Southern Boundary of West End Green Conservation Area

Furthermore, the Site Allocations Plan calls for the ensuring "of an acceptable relationship in the adjacent residential properties on Lymington Road" and for the protection and enhancement of the character and appearance of the Conservation Area with respect to any development at 156WEL.

The proposed plans clearly go far beyond what can be deemed as an acceptable relationship when the proposed six- and seven-storey buildings sit within metres

of the back gardens of the Lymington Road properties and would completely and perpetually overlook these properties and overshadow them in perpetuity.

Furthermore, the Neighbourhood Development Plan is explicit when it states that tall buildings “.....will need to have regard to their impact on the setting of the ...conservation area in order to avoid any negative impact on it”.

With regard to views, the Neighbourhood Development plan states at A11: “Also of importance to the character of the Area are the views across it, which give a widely appreciated sense of openness and space. ... Views of, from, and around the Area’s conservation areas are of great importance to their setting”.

We would also like to draw the Committee’s attention to its own refusal of a seven- storey block on Iverson Road in December 2014 (Application 2014/5341/P), on the following grounds:

“The proposed development, by virtue of its height, mass and scale would result in an over dominant form of development causing harm to the street scene and negatively impacting on long views, contrary to policies CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.”

We believe that the same determination is more crucial and appropriate here. The fact is that 156WEL is an even greater example of over dominant mass and scale causing harm to the street scene and to the adjacent conservation, negatively impacting on views into and out of the Conservation Area.

The GLA Stage 1 Report states:

The view of the rear of the 19th century Lymington Road houses from the railway bridge to the west would be altered as part of the proposed development. The roofscape and rear of these buildings within the conservation area have been somewhat altered from their original form. Furthermore, this view across the southern part of the conservation area does not define the character or appearance of the conservation area and includes only a small part of the conservation area in the view.

The West End Green Conservation Area Committee takes great issue with the assertion that the “roofscape and rear of these buildings” have been altered significantly from their original form. In fact, these buildings retain almost all of their original character and form and, in instances where minor modifications have been made, this does not discount the fact that the houses remain key components in the protected West End Green Conservation Area.

It appears that the GLA have repeated the Applicant’s statement on the issue of the view across the southern border. We would have to strenuously argue that the entire southern quarter of the Conservation Area cannot be dismissed given

that it is the only view into the Conservation Area from the south. Under Section 5.8 of the Appraisal Plan, (Contribution to the Character of the Area) it is stated that *"Private rear gardens quietly add to the quality and biodiversity of the area. The gardens are almost all hidden from the street but glimpses between buildings are a precious quality of the area."*

It is obvious from the planning submissions that the proposed development will completely overshadow the private rear gardens on Lymington Road for many months of the year, destroy existing skyline views from both Lymington Road, Crediton Hill and many other streets and properties within the West End Green Conservation Area and massively disturb the *"precious quality of the area"* by virtue of the sheer bulk and mass of the buildings. A development of this nature was never foreseen nor intended for a site of this nature.

- Under Section 5.9 of the Appraisal Plan (Buildings that make a positive contribution) it is noted in particular that these include houses on Lymington Road, especially Nos 1-19 and 2-30 (all of which are immediately adjacent to, with odd-numbered properties backing on to the 156 WEL site).

The positive contribution these buildings make to the Conservation Area cannot be anything but greatly diminished by the proposed development.

The whole of the Conservation Area is also a designated Heritage Asset and as such makes a positive contribution to its setting and to the Heritage of the area.

There are further issues arising of significant importance about this application, including:

- The developer has, at the date of this letter, failed to supply Image 11 showing the harm the development would cause to views from Crediton Hill. And the photos they have provided are all taken when the trees are in full leaf in the summer months. Bare trees, which we experience for at least 5 months a year, will not screen the extensive visual impacts from both within and outside the Conservation Area. A separate submission on behalf of the Crediton Hill Residents Association in opposition to this proposal includes several photographs taken earlier this year. These starkly highlight the potential negative impact on the Crediton Hill section of the Conservation Area resulting from this proposal.
- Today, the roads within the Conservation Area which lead from West End Lane feature transitions from the "high street" norm of a maximum of five storeys, immediately transitioning down to "side street/residential street" levels of no more than three storeys. This is an essential part of the Conservation Area's character. This is not offered by uniform seven storey blocks along the proposed Potteries Path "side street". Critically, this transition is a requirement of Camden's Site Allocations Document (site 28, p124-127) and should reflect the existing Canterbury Mansions/Lymington Road transition which the site adjoins. The documents states that "If redeveloped the existing relationship of new development immediately adjoining Canterbury Mansions to the north should be considerably more

sympathetic in terms of scale, height and design with an appropriate transition in massing towards the south and east of the site."

- The Applicant's document relating to Heritage, Townscape and Visual Impact (HTVIA) makes a number of statements concerning the Conservation Area with which we take issue, including:
 - **"5.21 The impact of the proposals on the character of the conservation area as a whole is very limited."** -- Clearly this is not the case. Part of the character of the Conservation Area are the views in and out which have to date been mostly uninterrupted across the proposed site.
 - **"5.22 ... "This view across the southern part of the conservation area does not define the character or appearance of the conservation area and includes only a small part of the conservation area in the view."** This particular view, especially visible from Crediton Hill and when viewing the southern aspect through the houses on Lymington Road is almost the entire southern border of the conservation area and will be completely obscured.
 - **"5.24 Views from within the conservation area south along West End Lane similarly make no contribution to the setting of the conservation area."** The same point as in 5.22 above applies here. However, Crediton Hill is far from the only road in the conservation area that is impacted and the Applicant's approach completely discounts views into the Conservation Area from the south and across the Conservation Area that benefits from views of the church roof and illuminated spire in Hampstead. These views would be obliterated by the bulk and mass of six- and seven-storey blocks. In fact, this view is even referenced as being of "particular note" in the Neighbourhood Development Plan with views noted as being "of great importance":
 - **NDP Policy A11:** "Of particular note are the views to the east to Hampstead (in particular St John's church) ... Views of, from, and around the Area's conservation areas are of great importance to their setting. The railway corridors provide the space for significant views across the Area and important sense of openness – in particular in and around the WHGA."
 - **"5.26 The design approach has been to find a language for modern mansion blocks. The Conservation Area Strategy (2011) recognises the positive contribution that these existing buildings make to the special character of the area. It recognises mansion blocks as a character zone in themselves."** The existing mansion blocks are five storeys, not seven, and nowhere are they competing with immediately adjacent three storey buildings.
 - **"5.29 ... The appearance, setting and character of the conservation area are not affected with development to the east. London continues to grow and there can be very few areas that have not seen their distant views change."** This statement belies the entire purpose of Conservation Area and surely indicates that the Applicant does not understand either the Conservation Area principles nor policies. It must be the case that Conservation Areas have been established precisely to protect against this sort of visual intrusion.

- **"7.6 The buildings and open yard on the Site make no positive contribution to the character of the conservation area."** Yet again this misses the point that the current open yard facilitates the view, a Conservation Area amenity to be enjoyed within, across and throughout the area.
- **"7.13 There are very limited views of the Site from within the West Hampstead Conservation Area"** We would have to strenuously argue that the entire southern quarter of the Conservation Area is not "very limited". Additionally, the Applicant's misleading statement discounts the reality that streets north of Lymington Road are considerably elevated in height above the Site and, as such, would be increasingly exposed to and damaged by the proposed development.

Furthermore, the northern border of the South Hampstead Conservation Area runs along the tracks of the Jubilee Line less than 200 meters away from the 156 WEL site, and in any reasonable consideration this Conservation Area would also be deemed to be abutting the development site. So we have a development site which is effectively bordered on TWO SIDES by significant Conservation Areas. For the developer to be so blatantly dismissive of the impact on Conservation Areas - two of them - is factually inaccurate to the point of being entirely ludicrous and insulting to the principles and concepts of Conservation Areas.

More generally we would make the following points:

- The proposed development would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies 5 and 7 of the Fortune Green and West Hampstead Neighbourhood Forum 2015.
- Despite a Townscape and Visual Impact Assessment having been submitted, some of the views show only the outline of the proposed buildings. Further views of the proposed buildings in full and particularly from the streets in the conservation area and those directly adjoining the site should be provided before the application considered.
- The Applicant has consistently failed to provide block modelling diagrams showing the proposed buildings in the context of the surrounding environment, including the West End Green Conservation Area and South Hampstead Conservation Area.
- Daylight and sunlight on homes and gardens in the Conservation Area will of course have their access to daylight and sunlight "detrimentally affected". The south side of Lymington Road in particular, and the north side and some parts in

between, insofar as light between semi-detached houses will be blocked by the bulk and mass of the proposed blocks.

The proposed development would result in an undue loss of light and outlook to neighbouring properties along Lymington Road and also introduce an unacceptable degree of overlooking and loss of privacy for those occupiers contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and Policies 1 and 2 of the Fortune Green and West Hampstead Neighbourhood Forum 2015.

Currently, Lymington Road properties within the Conservation Area, by virtue of their south-facing aspect, benefit from significant, green and energy efficient passive solar heating throughout the year. Camden Council's document, Energy efficiency planning guidance for conservation areas, notes that "lower cost 'demand reduction' and 'passive' energy efficiency measures at the top of the energy hierarchy tend to also have the best carbon cost- effectiveness". As such, while the Applicant states that daylight and sunlight reduction is 'acceptable' on the basis of BRE **minimums**, they have failed to take into account the significant deleterious impact on the ability of Lymington Road homes to benefit from carbon neutral passive solar heating.

The GLA Stage 1 Report is clear in its pronouncement on daylight and sunlight issues, stating that, "daylight and sunlight on sites within the West End Green Conservation Area should not be detrimentally affected as a result of the proposed development". The Applicant's proposal reduces properties within the Conservation Area from almost uninterrupted daylight and sunlight levels throughout the year to BRE minimum acceptable levels and, in some instances, below BRE minimum acceptable levels. No objective review of the proposal can reasonably conclude that the proposal does not detrimentally affect daylight and sunlight on sites within the West End Green Conservation Area.

- The GLA Stage 1 Report states, "Further views of the proposed buildings in full and particularly from the streets in the conservation area and those directly adjoining the site should be provided before the application is referred back to the Mayor at Stage II." Following thorough reviews of the Application and associated documents supplied by the Applicant, we can find no such views or block modelling showing the proposed buildings in context "from the streets in the conservation area and those directly adjoining the site".
- We believe that the Applicant's continued attitude that the proposed development has only the most limited impact on the Conservation Area would of course mean that the impact of every aspect of the development would by default be 'limited'. As the rest of the Conservation Area steps up as one moves north from Lymington Road, the impact on views southwards becomes greater from elevated points along Crediton Hill, the top of West End Lane and all the roads in between including from the mansion blocks at the top of West End Lane. The photos provided by the developers only take in less than half of the bottom

of Crediton Hill and so do not reflect views from the greater part of Crediton Hill, nor Fawley Road, Honeybourne Road nor the mansion blocks at the top end of West End Lane.

We would also draw specific attention to the Camden Development Policies 2010-2025, Local Development Framework document, which "contributes to delivering the Core Strategy by providing detailed policies that [Camden Council] will use when determining applications for planning permission", and specifically item 25.9 which refers to the existing "largely dense urban nature of Camden":

- "Due to the largely dense urban nature of Camden, the character or appearance of our conservation areas can also be affected by development which is outside of conservation areas, but visible from within them. This includes high or bulky buildings, which can have an impact on areas some distance away, as well as adjacent premises. **The Council will therefore not permit development in locations outside conservation areas that it considers would cause harm to the character, appearance or setting of such an area.**"

As part of the Core Strategy used for determining planning applications, and given the proximity to two Conservation Areas, we believe that the Council has no alternative but to reject this application.

The GLA Stage 1 Report notes:

"The current massing proposal however is heavy and bulky. Inclusion of more architectural detail and interest through the facade and setting back of the upper storeys may aid in addressing this issue."

To date, none of these issues have been addressed by the Applicant and the proposal remains "heavy and bulky".

One final point. West End Lane is a designated Archaeological Priority Area (APA) where there is significant known archaeological interest or potential for new discoveries. APAs as you know are used to help highlight where development might affect heritage assets. We must assume the Applicant and Camden planners are well aware of this and are taking the appropriate steps to ascertain the special requirements associated with this APA status.

Conclusion

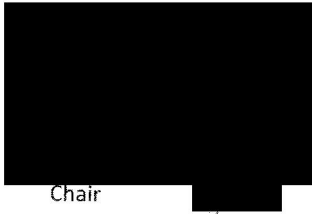
The proposed development at 156WEL sits, very firmly, on the border of a significant part of the West End Green Conservation Area, as well as within less than 200 meters of the South Hampstead Conservation Area. It goes without saying that this proposed development would never be permitted within a Conservation Area, so we have to ask why it is being considered when it sits right on the edge of two Conservation Areas. The damage this development would cause, in particular, to the West End Green Conservation Area and to the lives of those residents living in the area is incalculable.

If this development were to be permitted it would set a very dangerous precedent within the greater Camden Borough regarding developments adjacent to Conservation Areas.

We believe that the same overriding issues that caused the rejection by the Development Control Committee of recent Swiss Cottage development proposals – primarily Conservation Area principles – apply also in this case, but even more so.

The severity of the various policy contraventions are so manifest that they cannot be addressed by any attachment of conditions to a consent.

We would ask, quite firmly, that the Planners and the Committee should respect the sanctity and authority of the Conservation Area policies and principles that apply in this case and refuse this application.



Chair
West End Green Conservation Area Advisory Committee