
Planning statement

26 Netherhall Gardens, London, NW3 5TL

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1. Introduction

- 1.1. This planning statement has been produced on behalf of our client, Dome Assets Ltd, in support of a planning application relating to development at 26 Netherhall Gardens, London, NW3 5TL.
- 1.2. The proposed development involves the erection of a new detached building to provide 5 flats (4 x 2 bed and 1 x 3 bed) including front and rear roof terraces, hard and soft landscaping, boundary treatment and 3 car parking spaces, following demolition of the existing building (Class C3).
- 1.3. This planning application is a resubmission of development scheme under a previous planning application (ref no. 2015/3314/P) which was appealed on non-determination grounds on 04 March 2016 (ref no. APP/X5210/W/16/3145922). The Planning Inspector made a decision on 7 October 2016 to dismiss the appeal citing two reasons for dismissal relating to the living conditions of neighbouring occupants and the lack of justification for the removal of trees. This appeal decision is appended to this statement. This appeal decision is now a very significant material planning consideration which must be taken into consideration when making a decision on a planning application.
- 1.4. This new planning application seeks to address the reasons for dismissal through a revised design and preparation of supporting information. This statement provides background information on the site and details of the revised proposal, considers the agreed matters established as part of the previous planning application and appeal and sets out how the revised proposal addresses the Inspector's concerns and complies with planning policy and material considerations. This statement should be read in conjunction with the following reports:
 - Application and CIL forms;
 - Location plan and Site location plan prepared by Squire and Partners;
 - Design and Access Statement including existing, demolition and proposed drawings prepared by Squire and Partners;
 - BRE Daylight and Sunlight Report prepared by Rights of Light Consulting;
 - Heritage Statement prepared by Peter Stewart Consultancy;
 - Tree report, Tree schedule and Tree plans prepared by Crown Consultants;
 - Transport Statement prepared by TTP Consulting;
 - Energy and Sustainability Statement prepared by Mecserve;
 - Planning Statement prepared by Savills;
 - Phase 1 Risk Assessment prepared by Site Analytical Services Ltd;
 - Ground Movement Analysis Report prepared by Geotechnical and Environmental Associates on behalf of Sinclair Johnston;
 - Basement Impact Assessment prepared by Site Analytical Services Ltd;
 - Report on a Ground Investigation prepared by Site Analytical Services Ltd;
 - Basement Impact Assessment prepared by Sinclair Johnston;
 - Structural Design and Construction Statement prepared by Sinclair Johnston;
 - Inventory of Basements prepared by Sinclair Johnston.
- 1.5. The statement has been set out under the headings site and surroundings, proposal, planning history, agreed matters and planning application considerations.

2. Site and surroundings

- 2.1. The subject site at 26 Netherhall Gardens is situated in Camden's Frognal and Fitzjohns Ward on the southern side of Netherhall Gardens, to the east of Finchley Road in Hampstead.



Image: birds eye view of 26 Netherhall Gardens

- 2.2. The building at 26 Netherhall Gardens is a 4 storey house with an exposed lower ground floor, and a steeply pitched roof with two large dormers to the front elevation. The chimney stacks have been cut back, and those to the north lost. In contrast to the other houses in the street it has an exposed basement level and excavated front garden area so that it appears to stand taller when compared with neighbouring buildings, and is reached by a complicated arrangement of steps. The building is comprised of brown stock brick, red brick dressings and a clay tile roof and dates from the later part of the 1800's.



Image: front elevation of 26 Netherhall Gardens

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- 2.3. The site currently benefits from a vehicular access from Netherhall Gardens, which leads to a hard paved parking area for approximately four cars.
- 2.4. Typically, the buildings in the immediate locality are set back from the road behind private gardens or areas of hard landscaping and range from 2 – 4 storeys in height. Brick predominates as the building material in the vicinity, however a variety of materials and finishes can be seen throughout the wider area.
- 2.5. The site is well served by public transport with both Finchley Road underground station and Finchley Road and Frognal overground station located approximately 0.3 miles to the east. Many bus routes pass along Finchley Road and Fitzjohns Avenue to the east.
- 2.6. There are several institutions and schools along the street, including Southbank International School and South Hampstead High School on Netherhall Gardens and North Bridge House Schools on Fitzjohn's Avenue and Netherhall Gardens. However, the surrounding area is predominantly residential in character and is comprised of a mix of mainly red brick large detached residential villas, occasionally interspersed with blocks of flats.
- 2.7. The site lies in the Fitzjohns and Netherhall Conservation Area, which was designated in 1984 and contains a variety of architectural styles including neo-Gothic, Classical Italianate and Arts and Crafts / Norman Shaw.

Character of the Conservation Area

- 2.8. The property to which this application relates is not statutorily listed, however it has been identified as a 'positive contributor' to the character and appearance of the Conservation Area.
- 2.9. Netherhall Gardens rises from Finchley Road to nearly the top of Fitzjohns Avenue. A very steep incline from Finchley Road gives the road a dramatic impact from either direction with the roof lines standing out. The Conservation Area Statement sets out that roofs are an important and conspicuous element of the Conservation Area that dominates the profile of the skyline. The most common types of roofs are gables (various designs) pitched with dormers, shallow pitched with overhanging eaves.

Site Designations

- 2.10. The site has no other site designations on the Local Development Framework Proposals Map (see below). The property is not located in an area at risk of flooding.

3. Proposal

3.1. The proposal involves the demolition of the existing building and redevelopment of the site to provide a new, high quality residential development.



Image: front elevation showing the proposed building.

3.2. The new building will comprise three principal storeys (ground, first and second floor), accommodation within the roof (third floor), a lower ground floor level (lower ground floor) and a part basement level.



Image: section illustrating the lower ground, ground, first, second and third (within roof) floor levels.

3.3. The residential accommodation will be positioned over the lower ground floor to third floor levels and the basement level will comprise plant/storage only (including cycle, refuse and recycling storage). The residential dwellings will be arranged as follows:

Dwelling	Arrangement	Floorspace	Bedrooms	Private amenity space
1	Duplex	190sqm	2	Light well
2	Duplex	338sqm	3	Private garden and light well
3	Duplex	123sqm	2	Private garden and balcony
4	Single storey	131sqm	2	N/A

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5	Duplex	203sqm	2	Balcony
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- 3.4. The ground floor level will provide level access for residents through a central doorway and communal lobby area. The lobby will provide access to a lift and stair core which will serve the upper storeys as well as the new basement level.
- 3.5. The proposals also include the provision of hard and soft landscaping, inclusive of the provision of off street car parking to the front of the property. New boundary treatment is also proposed.
- 3.6. The changes from the previous scheme which was considered by the Inspector are fully considered in section 7 of this statement. A summary is provided below:
 - Building mass has been reduced along the east and south elevations to address daylight, sunlight and sense of enclosure concerns.
 - The revised scheme has been tested against the BRE guide relating to daylight and sunlight.
 - Further investigation in regards to trees has been carried out and is documented in revised tree reports.



Image: floorplan showing the extent of cutbacks on the first floor level.

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Image: floorplan showing the extent of cutbacks on the second floor level.



Image: floorplan showing the extent of cutbacks on the third floor level.

4. Planning history

- 4.1. A certificate of lawfulness was granted on 21 November 2012 for the use of the property as 5 self-contained residential dwellings (Class C3) – Local Authority reference 13774.

Planning application 2014/6224/P

- 4.2. A planning application was submitted in 2014 for the erection of a four storey plus basement detached building to provide 5 self-contained residential units...including hard and soft landscaping, new boundary treatment and the provision of off street car parking, following demolition of the existing building' (reference no. 2014/6224/P). This application was refused by the Council in January 2015 on the following grounds:

- Demolition of a building which makes a positive contribution to the Conservation Area.
- The basement would not sustain vegetation which contributes to the character and appearance of the site; the proposal does not demonstrate that the basement would maintain the structural stability of neighbouring dwellings and not adversely impact the local water environment and drainage.
- Residential dwellings 1 and 2 would not benefit from appropriate outlook or natural light to habitable rooms.
- Loss of a category B lime tree and potentially a street tree.
- The increase in on-site parking fails to meet the Council's car parking standards and does not promote sustainable modes of transport.
- Insufficient cycle parking spaces are provided.
- The application does not include a section 106 agreement to secure sustainable energy strategy, post construction sustainability review, highways contribution, public open space contribution and car capped housing.

Planning application 2015/3314/P

- 4.3. A planning application was submitted in June 2015 (reference no. 2015/3314/P) which sought to respond to the reasons for refusal relating to the previous planning application (reference no. 2014/6224/P). Additional information was prepared and submitted with the application to deal with matters relating to basement construction, car parking, the retention of trees and cycle parking. The Council failed to make a decision on the planning application and a non-determination appeal was submitted to the Planning Inspectorate on 04 March 2016.

Planning appeal APP/X5210/W/16/3145922

- 4.4. The planning appeal (reference no. APP/X5210/W/16/3145922) was considered at a hearing on 12 July 2016 and a decision was issued on 7 October 2016.
- 4.5. The matters considered at the hearing include:

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- The demolition and replacement of the existing building.
- The quality of the proposed residential accommodation for future residents.
- The impact of the basement on the biodiversity function and landscape character of the site.
- The impact of the proposal on neighbouring properties.
- The impact of the proposal on trees.
- The absence of a legal agreement relating to basement construction, sustainability measures, energy efficiency, highways, construction management and car capped housing.

4.6. The Planning Inspector dismissed the appeal citing two reasons:

- Living conditions of occupiers at 24A Netherhall Gardens in respect to loss of daylight and increased sense of enclosure, and occupiers at 28 Netherhall Gardens in respect to loss of daylight and sunlight.
- Lack of justification for the removal of trees between 24A and 26 Netherhall Gardens.

4.7. All other matters are considered to have been resolved by the planning appeal and considered as part of section 5 of this statement.

5. Planning policy and material considerations

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan for the area unless any material considerations indicate otherwise.

Regional and Local Policy

- 5.2. Camden's 'development plan' comprises the Core Strategy which was adopted in November 2010 and the Development Policies document which was also adopted in November 2010. These documents sit alongside the London Plan 2016. The 'development plan' is supported by several supporting documents and guidance such as the Fitzjohns and Netherhall Conservation Area Statement (2001) and Planning Guidance documents 1 to 8.

National Planning Policy Framework

- 5.3. The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and has replaced the majority of the existing Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) with immediate effect. The NPPF is a material consideration in planning decisions.
- 5.4. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). It states, at paragraph 17, that planning should proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

Appeal decision

- 5.5. The recent appeal decision (reference no. APP/X5210/W/16/3145922) in relation to 26 Netherhall Gardens, London, NW3 5TL is a very significant material consideration in relation to the new planning application.

6. Agreed matters

- 6.1. The following matters are considered to have been agreed as part of the previous planning application (reference no. 2015/3314/P) and planning appeal (reference no. APP/X5210/W/16/3145922).

Demolition

- 6.2. The demolition of the existing building is acceptable as the existing building makes a limited contribution to the Conservation Area in comparison to its neighbours, has been negatively impacted by later extensions and will be replaced with a high quality building which has particular merit and responds appropriately to its context.



Images: existing and proposed building as viewed from Netherhall Gardens.

- 6.3. This assessment is supported by the recent planning appeal, where the Planning Inspector concluded that the demolition of the existing building would be acceptable.
- Paragraphs 22 and 23 – The Planning Inspector considers that the contribution of the existing building to the Conservation Area is limited, by virtue of the setting of the original building, later extensions and alterations, and building height.
 - Paragraphs 24, 25 and 26 – The Planning Inspector considers the merits of the replacement building setting out that the proposed would respond appropriately to its context, respecting the prevailing building line, separation distance, ridge height, massing and articulation, materials and detailing of other buildings along the street. The Planning Inspector concluded that the proposed building would overcome a number of negative features of the existing building and its limited contribution to the Conservation Area.
 - Paragraph 29 – The Planning Inspector sets out that the benefits brought forward by the proposed high quality residential building would outweigh the less than substantial harm resulting from the loss of the existing building.
 - Paragraph 30 – *I therefore find that the proposed development would not conflict with Policy CS14 of the LDF Core Strategy which seeks to promote high quality places whilst conserving the borough's heritage. Additionally there would be no conflict with Policy DP24 of the LDF Development Policies, which seeks to secure high quality design and Policy DP25 which establishes a presumption in favour of retaining buildings which make a positive contribution to the character and appearance of a conservation area, unless exceptional circumstances are shown that outweigh the case for retention.*
- 6.4. The proposal complies with Policy CS14, DP24 and DP25.

Replacement building

- 6.5. The proposed building is of high quality design, is well designed and would relate positively to its surroundings with a clear understanding of the established townscape. The proposed building comprises traditional form, materials and detailing to result in a positive contribution to the Conservation Area.
- 6.6. This assessment is supported by the recent planning appeal, where the Planning Inspector concluded that the replacement building is of high quality design and relates well to its surroundings.
- Paragraph 24 – *The replacement building would be appropriate in the street scene in terms of scale, styling and detailed design. It would respond appropriately to its context and would appear as a large detached property in keeping with other grand houses in the locality. It would respect the prevailing building line to the street frontage and the different buildings lines provided by neighbouring properties to the rear. In terms of its ridge height it would complement nos. 28 and 24, whilst a lower section to the south would respect the lower height of 24a Netherhall Gardens. I find that to a degree the proposed development would appear as a pair with no. 28.*

- Paragraph 25 – *The proposed massing and articulation of elements reflects neighbouring properties through the inclusion of a pitched roof with dormers, a large gable with a projecting bay and lower projecting elements to the west, south and east. In terms of materials and detailing the proposal would also address the characteristics of the immediate locality and the proposed forecourt and landscaping would also respond appropriately to the setting. A further benefit would be the closure of the gap at upper levels between nos. 26 and 24a and which would reduce the prominence of the flank wall.*
- Paragraph 26 – *I find that the proposed development would overcome a number of the negative features of the existing development and its contribution to the conservation area including the various alterations made to the original building. It would therefore enhance the conservation area and make a positive contribution to local character and distinctiveness.*

6.7. The proposal complies with Policy CS14, DP24 and DP25.

Land use

6.8. The existing building accommodates five self contained flats, as confirmed by a certificate of existing lawful use in 2012. The principle of replacing the current building with five redesigned and improved self contained flats is acceptable in land use terms and is considered to be a benefit of the scheme.

Dwelling mix

6.9. The proposed development comprises a mix of 4 x two bedroom units and one x 3 bedroom units.

6.10. The proposed mix is in line with the Council's policies which set out that 2 bedroom units are of very high priority for the Borough.

6.11. The proposal complies with Policy DP5.

Residential standards – floorspace, external amenity space

6.12. The proposed residential dwellings will exceed the minimum floorspace standards as set out in the Technical housing standards and integrated into the London Plan.

6.13. The proposal complies with table 3.3 within Policy 3.5 of the London Plan.

6.14. The proposal will provide good quality external amenity space for four of the proposed residential dwellings. The private external amenity spaces are in the form of a balcony, terraces and garden terraces. These spaces are generous and exceed the London Plan standard for external amenity space as set out in standards 26 and 27 of the London Plan Housing SPG.

6.15. Unit 4 does not have access to private external amenity space. However, additional internal living space has been provided to ensure a good quality living environment for future residents. The residential unit (4) exceeds the minimum floorspace requirement of 70sqm by 61sqm (total 131sqm). The additional internal living space accords with the London Plan Housing SPG paragraph 2.3.32.

6.16. The proposal complies with Policy 3.5 of the London Plan and the London Plan Housing SPG.

Proposed residential amenity – daylight and sunlight, outlook

- 6.17. The proposed development has been designed to ensure good living conditions for future occupants including light and outlook.
- 6.18. Each unit is generous in floorspace. Large openings to the front and rear of the building have been incorporated where possible to maximise access to light and outlook, and four units have access to private external amenity space. The duplex units comprise varying openings and external amenity spaces to overall provide a good quality living environment.
- 6.19. The assessment of light in relation to the proposed units is supported by the recent planning appeal, where the Planning Inspector concluded:
- Paragraph 37 – *Based on the evidence which I heard, I find that the assessment had taken account of the concerns raised and that there would be no adverse effect on future occupiers in terms of daylight.*
- 6.20. The assessment of outlook in relation to the proposed units (and particular unit 1) is supported by the recent planning appeal, where the Planning Inspector concluded:
- Paragraph 38 – *I find that the proximity of the wall to the basement windows and the presence of the bay above would adversely affect outlook but only to a limited degree.*
 - Paragraph 38 – *Nevertheless, as a substantial duplex apartment with a large rear lightwell to basement bedroom two, a ceiling height for the basement rooms which is well in excess of the minimum standards and the provision of the main accommodation at ground floor level I find that in overall terms the proposal would meet the requirements of Policy DP26 which aims to manage the impact of development on occupiers, avoiding harm in respect of overshadowing and outlook, and daylight among other factors. Similarly, I do not find conflict with Policy CS5 of the LDF Core Strategy which seeks to ensure that the impact of development on occupiers is fully considered in order to protect residential amenity. Consequently, I find that future occupiers would be likely to experience acceptable living conditions in terms of the provision of internal living space.*
- 6.21. The proposal complies with Policy CS5 and Policy DP26.

Affordable housing

- 6.22. The proposed development results in the re-provision of 5 residential units at the site.
- 6.23. The proposed development does not trigger an affordable housing provision on the basis that 5 residential units are being reinstated (no uplift) and an uplift of 505sqm (GIA) of floorspace is provided only.
- 6.24. The proposal complies with Policy DP3.

Subterranean development

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- 6.25. The proposal comprises a lower ground floor level and part basement which is to be used for plant and storage only.
- 6.26. A Basement Impact Assessment (BIA) has been prepared which considers impacts on drainage, flooding, groundwater conditions and structural stability. The BIA demonstrates that the basement would not cause harm where constructed in compliance with the submitted Structural Design and Construction Statement (SDCS) and that any potential impacts can be appropriately mitigated through detailed design and construction processes. Further design and construction processes can be secured and regulated through a section 106 agreement.
- 6.27. The proposal complies with Policy DP27 and CPG2 and CPG4.

Biodiversity and landscaping

- 6.28. The proposed development comprises new hard and soft landscaping at the front and rear of the site. New boundary treatment is also proposed.
- 6.29. The extent and nature of landscaping proposed contributes to the biodiversity function and landscape character of the site. This assessment is supported by the recent planning appeal, where the Planning Inspector concluded:
- Paragraph 34 – *With regard to the provision of landscaping I have no evidence that the extent of the garden above the basement, or the distance between the site boundary and basement construction would prevent satisfactory landscaping. Furthermore, given the area of the garden and the ability to address landscaping through a condition it has not been demonstrated that the basement construction would be in conflict with the requirements of Policy DP27 in respect of landscaping. Whilst conflict with CPG 4 has been identified I consider that this would be limited and as guidance I attach less weight to this than I do to Policy DP27.*
 - Paragraph 35 – *I also consider that the proposed basement development would not conflict with Policy CS14 in respect of preserving and enhancing the Fitzjohns / Netherhall Conservation Area because harm to the biodiversity function and landscape character of the site has not been demonstrated. For the same reasons I find no conflict with policies DP24 and DP25 of the LDF Development Policies which seek to achieve high quality design and the conservation of Camden's heritage, respectively.*
- 6.30. The proposal complies with Policy CS14, DP24, DP25, DP27 and CPG4.

Impact on neighbouring properties – privacy and overlooking

- 6.31. The proposal will not result in a loss of privacy or overlooking in relation to the neighbouring properties.
- 6.32. The proposed building does not comprise openings along the flank elevations adjoining 28 Netherhall Gardens and 24A Netherhall Gardens.

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- 6.33. There is a balcony located at the second floor level of the building along the southern elevation, however, this does not directly align with any habitable windows along the flank elevation of 24A Netherhall Gardens and does not project forwards of the front building line. There is a terrace located at the third floor level of the building however, this is orientated towards the rear of the property, and due to its positioning will not provide a direct view into any adjoining windows. Furthermore, the balcony comprises a railed balustrade and planting to minimise overlooking.
- 6.34. The proposal complies with Policy CS5 and Policy DP26.

Vehicle parking – on-site

- 6.35. The proposal will re-provide 3 vehicle parking spaces on site. As the proposal will not result in an uplift of on site vehicle parking, the proposal complies with Policy DP18.

Cycle parking

- 6.36. The proposal will provide 10 cycle parking spaces within the basement storey accessed via an internal lift core.
- 6.37. This provision complies with the cycle parking standards set out in the London Plan Policy 6.9 and Policy DP26.

Refuse and recycling

- 6.38. The proposed development provides a refuse and recycling storage area at the front of the site along the boundary with 28 Netherhall Gardens.

Sustainability

- 6.39. The proposal comprises a range of lean, clean and green measures to reduce energy use and associated carbon emissions. Proposed energy efficient features include high performance building fabric of low U-values, excellent air tightness to reduce heat losses through infiltration, junctions conforming to Accredited Construction Details thus eliminating thermal bridging, individual gas-fired condensing boilers of high efficiency, mechanical ventilation with heat recovery and light fittings will be of low energy types. Low/zero carbon technologies include reverse cycle air source heat pumps.
- 6.40. As a result of the proposed energy strategy, the new flats achieve significant carbon savings that exceed both the Target Emission Rate (TER) set by Part L of current Building Regulations and the Code for Sustainable Homes (CSH) Level 4 Target in terms of CO2 emissions i.e. 20% reduction over 2013 TER. An overall 24.2% reduction in carbon emissions can be achieved over Part L 2013 TER when applying the proposed strategy and the scheme also achieves a reduction of 21.8% due to the use of renewable energy technologies, thus complying with Camden Council's requirements in terms of carbon emissions.
- 6.41. On this basis, the proposed development is considered to comply with Policy CS13 and Policy DP22.

Section 106 agreement

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- 6.42. The planning application is to be accompanied by a Unilateral Undertaking to ensure compliance with relevant planning policy. The Unilateral Undertaking shall include provisions relating to:
- Car capped development;
 - Construction Management Plan;
 - Detailed Basement Construction Plan;
 - Energy Efficient and Renewable Energy Plan;
 - Highways;
 - Sustainability Plan;
 - On-site car parking spaces.
- 6.43. The Planning Inspector did not identify any issues with the submitted Unilateral Undertaking agreement and as such, this is considered to be an agreed matter.

7. Planning considerations

7.1. As set out in paragraph 4.4, the recent planning appeal (reference no. APP/X5210/W/16/3145922) was dismissed on two grounds:

- Living conditions of occupiers at 24A Netherhall Gardens in respect to loss of daylight and increased sense of enclosure, and occupiers at 28 Netherhall Gardens in respect to loss of daylight and sunlight.
- Lack of justification for the removal of trees between 24A and 26 Netherhall Gardens.

7.2. This new planning application seeks to address the reasons for dismissal through a revised design and preparation of supporting information.

Dismissal reason 1

7.3. In response to the first reason for dismissal, the scheme has been amended to reduce building mass along the east and south elevations.



Images: floor plans showing the extent of cutbacks on the first and second floor levels.

7.4. The revised scheme has been tested against the BRE guide relating to daylight and sunlight. The revised test complies with BRE recommendations relating to daylight (Vertical Sky Component test and Daylight Distribution test) and sunlight (Total annual sunlight hours test and Winter sunlight hours test) for habitable rooms.

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- 7.5. Particular regard has been given to the rear ground floor room at 28 Netherhall Gardens (window 62) and the bedroom with angled window at 24A Netherhall Gardens (window 76).
- Window 62 achieves – VSC ratio of 0.83 and total sunlight to window ratio of 0.85.
 - Window 76 achieves – VSC ratio of 0.82.
- 7.6. Further regard has been given to window 78 at 24A Netherhall Gardens which the Planning Inspector considered to be used as a habitable space, rather than a hallway as originally designed and shown on permitted planning drawings. The proposed cutbacks result in the hallway space (window 78) now achieving a VSC ratio of 0.8 which complies with the BRE guidelines.
- 7.7. It is therefore concluded that the proposal will not harm the living conditions of occupiers at 24A Netherhall Gardens in respect to daylight and occupiers at 28 Netherhall Gardens in respect to daylight and sunlight. Please see the accompanying Sunlight and daylight report prepared by Rights of Light Consulting for further detail. We therefore conclude that the proposal complies with Policy CS5 and Policy DP25 in this regard.
- 7.8. The revised scheme will achieve a minimum 4m setback from the southern boundary providing further relief to 24A Netherhall Gardens in terms of sense of enclosure. The revised scheme will ensure that a 45 degree angle of view is maintained from the centre of the window which is considered to be affected. It is therefore concluded that the proposal will not harm the living conditions of occupiers at 24A Netherhall Gardens in respect to sense of enclosure.



Image: first floor plan showing that a 45 degree angle view is achieved from the first floor window at 24a Netherhall Gardens.

- 7.9. These changes result in the proposal complying with Policy CS5 and Policy DP25.

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7.10. As a consequence of the reduction in building mass along the east and south elevations, minor amendments have been made to the following:

- The front entrance wall (3m in width) on the ground floor level has been slightly pulled forward (approximately 0.7m).
- A portion of the front wall (11m in width) on the second floor level has been slightly pulled forward (approximately 0.5m).
- A portion of the front wall (11.6m in width) on the third floor level has been slightly pulled forward (approximately 0.7m).

7.11. These are considered to be minor amendments which do not change the overall character and appearance of the proposed building. These changes are a direct response to the changes made to improve the living conditions of adjoining neighbours. The hierarchy and relationship between wall planes and floor levels will be preserved and the primary front building lines will be retained as per the existing proposal (ref no. 2015/3314/P and ref no. APP/X5210/W/16/3145922).



Images: front elevations of the appeal scheme and the proposed scheme.

Dismissal reason 2

- 7.12. In response to the second reason for dismissal, further investigation has been carried out by Crown Consultants in relation to the removal of trees along the boundary between 24A and 26 Netherhall Gardens. A Tree Report accompanied by a tree schedule and plan has been prepared which provides detail of the trees along the boundary of 24A and 26 Netherhall Gardens. The Tree Report sets out that 5 trees are to be removed as they are located within the footprint of the proposal. However, their removal is acceptable as they are categorised as 'category C' trees – unremarkable trees of low quality and merit. Please see the accompanying reports prepared by Crown Consultants for further detail.
- 7.13. This additional information demonstrates that the proposal complies with Policy DP24 and Policy DP25.

8. Conclusions

- 8.1. This planning statement is being submitted to support a new planning application relating to 26 Netherhall Gardens, London, SW3 5TL.
- 8.2. This new planning application follows a recent appeal decision which is now a significant material consideration in determining planning applications for this property. The new planning application aims to address the reasons for dismissal of the planning appeal, while recognising the matters which have been agreed as part of the previous planning application and appeal.
- 8.3. The existing scheme has been amended to reduce building mass along the east and south elevations in order to enhance the level of light which is received at 24A and 28 Netherhall Gardens and to increase outlook from 24A Netherhall Gardens and to not create a sense of enclosure. The revisions result in the proposed scheme being fully compliant with the BRE guide relating to daylight and sunlight. This revision overcomes the reason for dismissal relating to the living conditions of occupiers at 24A Netherhall Gardens in respect to loss of daylight and increased sense of enclosure, and occupiers at 28 Netherhall Gardens in respect to loss of daylight and sunlight.
- 8.4. This planning application is accompanied by additional information which assesses the impact of the proposed scheme on existing trees. A Tree Report accompanied by a tree schedule and plan has been prepared which explains that 5 trees are to be removed as a result of the proposal. However, the Tree Report concludes that the removal of these trees is acceptable as they are unremarkable trees of low quality and merit. This additional information overcomes the reason for dismissal relating to the lack of justification for the removal of trees between 24A and 26 Netherhall Gardens.
- 8.5. The proposed scheme complies with Camden's 'Development Plan' and is a carefully designed proposal which clearly enhances the Conservation Area and is more satisfactory in grain, scale, form, appearance and detailing in comparison to the existing building. The proposal makes efficient use of the site, and provides four out of five residential units as 2 bedrooms which are the highest priority within the Borough. The proposed landscaping and living conditions will be of a high standard, and the proposed development will protect the amenity of the adjoining residential dwellings.