

**53 Fitzroy Park, London, N6
6JA**

**Planning and Heritage
Statement (Revised)**

Mrs Svetlana Esther Volossov

9 June 2017

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1.0 Introduction

- 1.1 This Planning and Heritage Statement has been prepared by Lichfields on behalf of Mrs Svetlana Esther Volossov, in relation to 53 Fitzroy Park, London, N6 6JA. It accompanies an application for planning permission for the demolition of the existing building and its replacement:

“Erection of a three storey single family dwelling, including green roofs at first floor and roof level, solar panels at roof level and associated landscaping following the demolition of the existing part-two, part-three storey dwelling (Class C3).”

- 1.2 This Statement identifies the site’s context and assesses the planning and heritage matters relating to the redevelopment of 53 Fitzroy Park.
- 1.3 The Assessment has been framed by national planning policy and guidance, namely the NPPF, as well as strategic and local planning policy and guidance.
- 1.4 The assessment is based on a number of site visits to the property and surrounding area and supporting research through an analysis of planning policy, historic mapping, photographs and other secondary data sources.

2.0

Understanding the Context

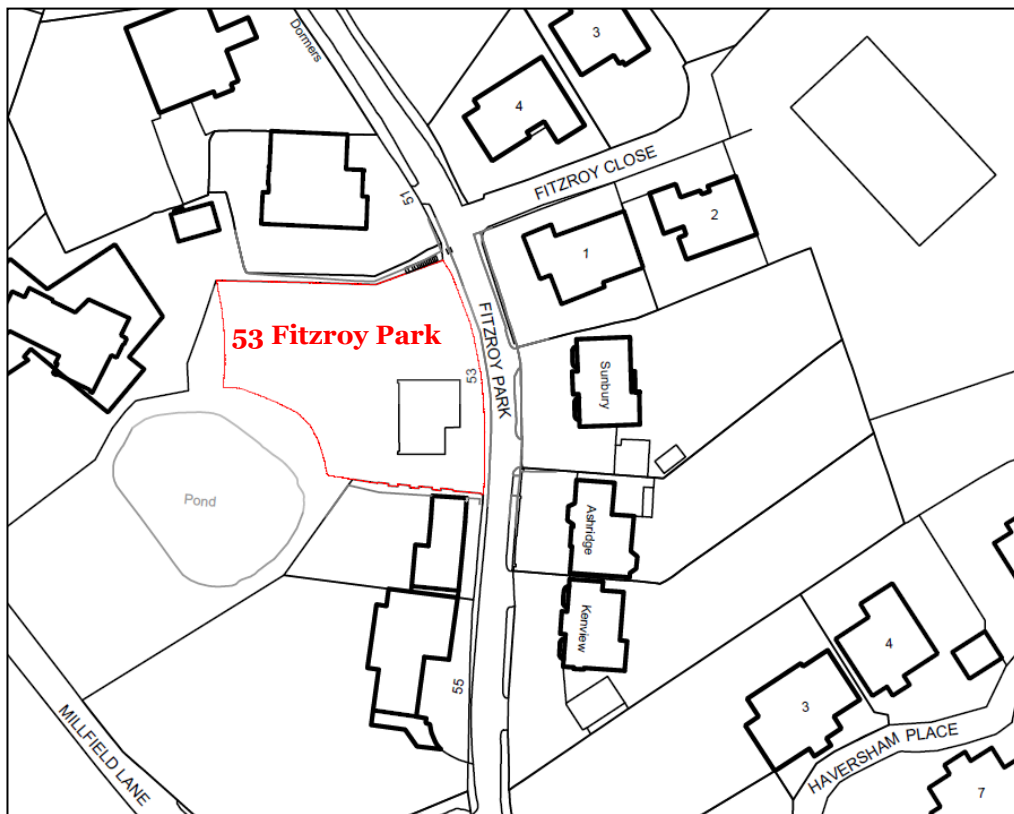
Site Location

2.1

53 Fitzroy Park is located to the west side on the south-west section of Fitzroy Park between Fitzroy Close to the north-east and the junction with Millfield Lane to the south-east (see Map 2.1 below). The property is located within the Highgate Conservation Area.

2.2

Fitzroy Park is a winding private road that falls from Highgate village and The Grove to the north-east section of the road down to Millfield Lane to the south through the former grounds of Fitzroy House, which was built c.1780 for General Charles Fitzroy, Lord Southampton. To the south and south-west of Fitzroy Park, beyond Millfield Lane lies Hampstead Heath. The site is also located within a designated area of Open Space.



2.3

Map 2.1: Site Location Plan.

Application Site Description

2.4

53 Fitzroy Park is a part-two, part-three storey flat roofed detached (and currently vacant) dwelling house dating from 1952. It is located in an area that was formerly part of the grounds of the former Fitzroy House, a Palladian villa built c.1780 for Colonel Charles Fitzroy and later demolished in 1828. The land was subsequently sold off as smaller lots.

2.5

Although 53 Fitzroy Park is located within the Highgate Conservation Area, the existing building is not considered to make a positive contribution to the established character or appearance of the area and there are extant and implementable consents for its demolition¹. The building is not

¹ Refs. 2015/2197/P (decision dated 29 May 2015) and 2015/0441/P (decision dated 04 July 2016)

statutorily or locally listed, and there are no other listed buildings within the immediate vicinity of the application site.

- 2.6 The application site slopes to the west, away from Fitzroy Park, with the existing building built into the slope. 53 Fitzroy Park dates from 1952 and was designed by the architect Stephen Gardiner. It is a flat-roofed dwelling house of a 'cuboid form', the first floor of which is clad in horizontal white-painted weatherboarding with brick used elsewhere (see Photograph 2.1 below). A double garage is incorporated into the front section of the building.
- 2.7 As the site slopes downwards (to the west) away from the street (Fitzroy Park), the rear garden level of the site is set one storey lower than at Fitzroy Park road level. Two storeys are presented to each of the front and rear elevations, with the front elevation facing Fitzroy Park one storey higher than the rear elevation in real terms, which is evidenced when viewed from either side elevation.



Photograph 2.1: View of the front elevation looking west from Fitzroy Park.

Surrounding Area

- 2.8 This part of the Highgate Conservation Area is characterised by its secluded and verdant feel. The site and its surrounding context are partially screened by mature trees and the existing building sits within a large plot (1,284 sq.m).
- 2.9 The existing building is not visible from Hampstead Heath, nor is the recently constructed property at 51 Fitzroy Park adjacent. However, there are several properties opposite on Fitzroy Park which are both taller in height from ground level to roof pitch and are located higher up the slope of the land (which is higher to the east side of Fitzroy Park), and are therefore visible in seasonal glimpsed views from The Heath. Glimpsed views of a variety of styles of roof tops surrounded in trees form the existing backdrop to The Heath and have done so since at least the 1930s when these properties were constructed.

- 2.10 The existing building at 53 Fitzroy Park is located at some distance away from, and heavily screened from Millfield Lane at the edge of The Heath. Camden Officers have previously accepted that the existing building, the proposal for the site and the recently constructed building at 51 Fitzroy Park adjacent would therefore not be visible from either Hampstead Heath or Millfield Lane except in very limited circumstances.



Photograph 2.2: View of the extant property to the west side of Fitzroy Park prior to the development of the contemporary replacement house at the site of No. 51 Fitzroy Park to the North.

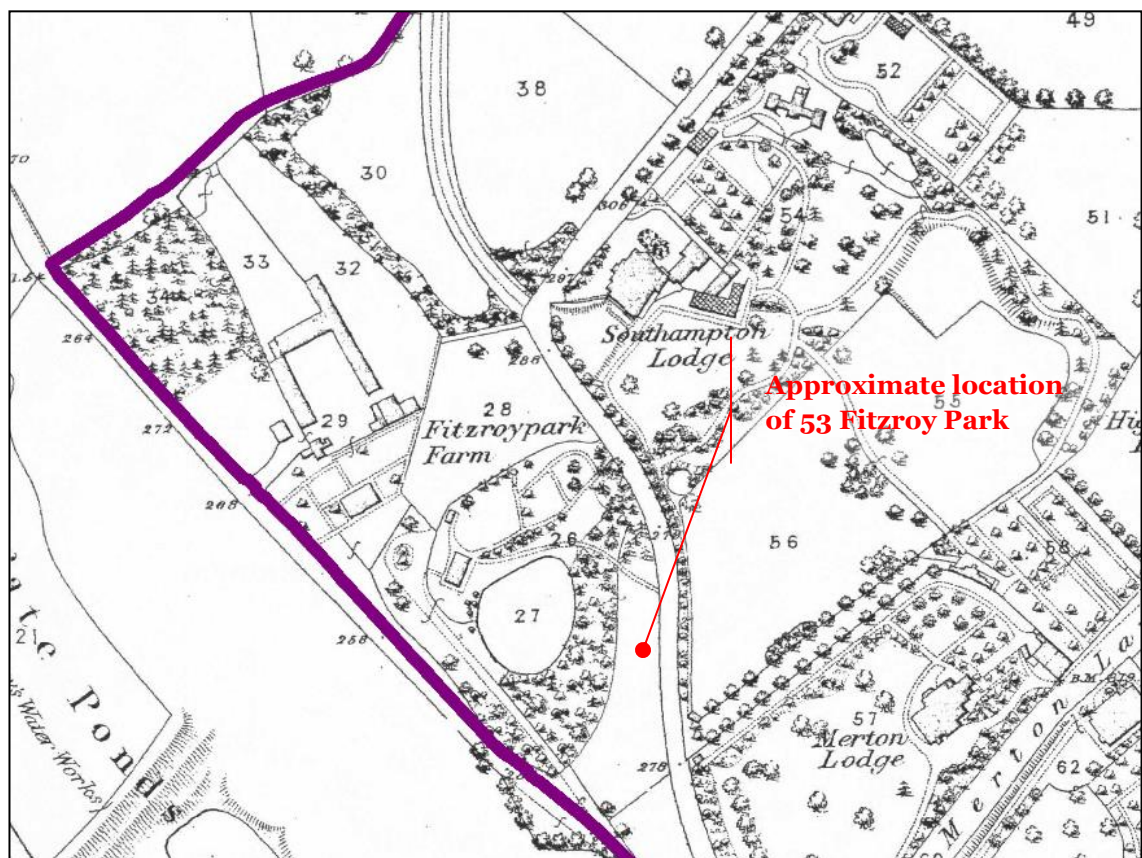
- 2.11 The application site is also located on land designated as private open space and known as 'Fitzroy Open Space'. This is a large area of land adjacent to the eastern edge of Hampstead Heath. It is largely made up of previously developed land comprising large detached and semi-detached houses set in private gardens. The area largely corresponds with the Fitzroy Park residential area.
- 2.12 This area is considered to have a leafy and relatively open character, and much of the residential development is located on tree and hedge lined streets that provide a semi-rural feel, albeit development in the form of private houses in a variety of styles, massing and relationships to the roads are clearly visible. As the site is both within the Highgate Conservation Area and designated private open space, all trees are protected.
- 2.13 Although located within the Highgate Conservation Area, a designated heritage asset, it has previously been confirmed by the Officer reports for the extant approvals for demolition at the site, that the existing building does not make a positive contribution to the wider character or appearance of the Conservation Area. There are no other designated heritage assets in the vicinity of the site; no statutorily or locally listed buildings are present in the immediate vicinity and so there are no issues relating to historic setting to consider.
- 2.14 The surrounding area comprises individual houses of varied architectural styles and scales set within their own grounds and variously set in different positions and orientations into the sloping topography of the area.
- 2.15 The area comprises a mix of early 20th Century houses and later houses of varying dates. Many of the post-war houses within this area were individually architect designed by a variety of architects, which results in varying quality and visual appearance. There is no consistent architectural style or palette of materials, and various forms of buildings both flat and pitched

roofs are present. The variety of buildings and styles is however considered to give the area part of its interest, and recent planning permissions have encouraged a continuation of this variety with a number of approvals for contemporary new residential buildings.

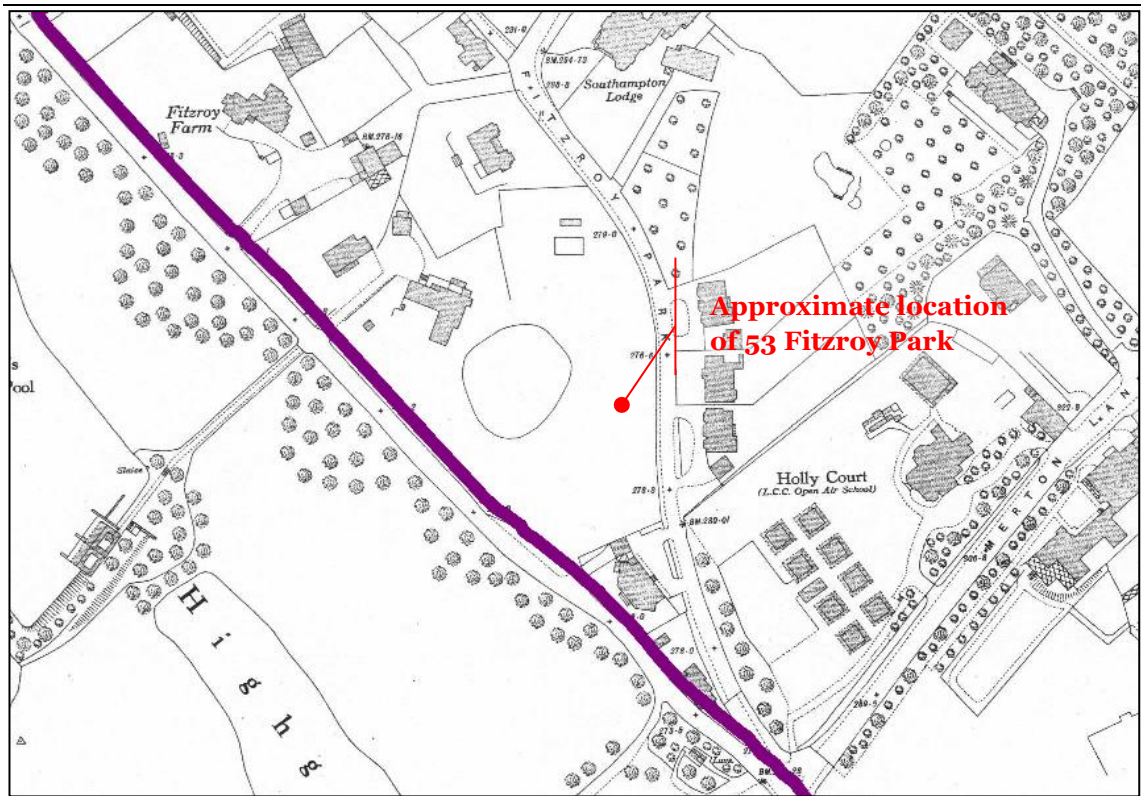
- 2.16 The area therefore has a unique capacity to accommodate change and a wide variety of proposals and design styles will be equally acceptable on individual sites.

Historic Context

- 2.17 The site is located within the Highgate Conservation Area, which was first designated in 1968 and extended in 1978 and 1992.
- 2.18 The historic maps below indicate that the area to the west of Fitzroy Park was largely open space before the turn of the 20th Century and later developed to comprise a mix of open space and large detached houses set in generous plots by 1935.



Historic Map 2.1: Highgate Conservation Area OS Map, 1870-1875 (Source: Camden Council).



Historic Map 2.2: Highgate Conservation Area OS Map, 1935 (Source: Camden Council).

- 2.19 Additional historic maps are available in the Appendix to the accompanying application document '*Geotechnical, Hydrogeological and Geo-environmental Site Investigation Report*' (originally dated December 2010, prepared by RSK Group – Pages 127-150).
- 2.20 The National Heritage List for England confirms that there are no statutorily listed buildings in the vicinity of the site, as such the development will not affect the setting of any listed properties or structures (see Map 2.2).



Map 2.2: Extract map taken from the National Heritage List for England (Source: ©English Heritage).

- 2.21 53 Fitzroy Park and neighbouring structures are not included on Camden Council's draft local list as buildings that are valued by the local community or that help to give Camden its distinctive identity. 53 Fitzroy Park is also not mentioned as making a positive contribution to the Highgate Conservation Area, nor is it identified as such in the adopted *Area Appraisal and Management Strategy*.
- 2.22 Therefore, the existing building is not considered have any special architectural or historic interest, and this corresponds with the previously stated view set out in the previous Officer report indicating that '*as the building is not considered to be a positive contributor, the principle of demolition is not contested provided that the replacement scheme preserves or enhances the conservation area.*'

3.0 Planning History

3.1 The relevant planning history of the site and its immediate surroundings are set out in turn below:

53 Fitzroy Park

3.2 The following permissions are relevant to 53 Fitzroy Park:

- 2015/2197/P – Planning Permission for the ‘Demolition of existing dwelling.’ – Granted 29/05/2015. 2015/0441/P – Planning Permission for the ‘Erection of a three storey single family dwelling including basement level, green roofs at first floor and roof level, solar panels at roof level and associated landscaping following the demolition of the existing part-two, part-three storey dwelling (Class C3).’ – Granted 04/07/2016.
- **2011/1682/P and 2011/1686/C** – Planning Permission and Conservation Area Consent for the ‘Erection of a three storey single dwelling including basement level, green roof, solar panels and landscaping following demolition of existing dwelling (Class C3).’ – Granted 16/11/2012.
- **2011/0728/P and 2011/0805/C** – Planning Permission and Conservation Area Consent for the ‘Erection of a three storey single dwelling inc. swimming pool at basement level, green roof, solar panels and landscaping following demolition of existing dwelling (Class C3).’ – Withdrawn.
- **2009/5369/P and 2009/5370/C** – Planning Permission and Conservation Area Consent for the ‘Erection of three storey single family dwelling house plus basement and sub-basement levels, following demolition of existing three storey dwelling house (Class C3).’ – Withdrawn.
- **8802690** – Planning Permission for the ‘Erection of a two storey side extension at lower ground and ground floor levels to provide a gallery and storeroom for artwork and a single storey side addition at lower ground level to provide a garden store and bay window to existing studio room as shown on drawing nos. 1-8.’ – Granted 04/07/1989.

Relevant Permissions at Nearby Properties

51 Fitzroy Park

3.3 51 Fitzroy Park is located immediately to the north of the application site and has recently been redeveloped in a contemporary style by architects Stanton Williams. The history of this site is as follows:

- **2011/4153/P** – Planning Permission for ‘Amendments to planning permission (ref: 2009/1579/P) granted on the 21/12/2009 for the construction of a two storey residential dwelling with lower ground floor and associated landscaping. Amendments to include extension of ground floor terrace area and new door associated with this, repositioning of rooflight on ground floor terrace, new small rooflight on first floor flat roof and reduction in size of rooflight on main roof, addition of two internal flues discharging at roof level, new window and recessed metal panel on west elevation, use of stone and brick on part of the west elevation, use of stone on south elevation and variations to timber and glass at first floor level, introduction of small ventilation windows, and use of stone on east elevation.’ – Granted 12/10/2011.
- **2011/0097/P** – Planning Permission for ‘Amendments to planning permission 2009/1579/P granted on 21 December 2010 for construction of a two storey residential

dwelling with lower ground floor and associated landscaping following the demolition of existing two storey residential dwelling (Class C3). Amendments include revision to the building location, repositioning of rooflight to terrace, incorporation of drainage corridor at lower ground floor level and internal alterations at lower ground floor level.’ – Granted 10/03/2011.

- **2009/1579/P and 2009/1581** – Planning Permission and Conservation Area Consent for the ‘Construction of a two storey residential dwelling with lower ground floor and associated landscaping following the demolition of existing two storey residential dwelling (Class C3).’ – Granted 21/12/2009 and 21/08 2009 respectively.

1 Fitzroy Close

3.4 No. 1 Fitzroy Close is located to the north-east of the application site on the opposite side of Fitzroy Park.

- **2003/1034/C** – Conservation Area Consent for ‘Demolition of existing house in connection with erection of new single- family dwelling house comprising integral garage.’ – Withdrawn.
- **PEX0200937** – Planning Permission for the ‘Erection of a single family dwelling house including integral garage.’ – Granted 19/12/2003.
- **9502055R2** – Planning Permission for the ‘Redevelopment of the site for a dwelling house, by the erection of a two-storey plus basement detached house. As shown on drawing nos. 1590/P/003A, 006A, 008A, 009A, 010A, 011A, 014, 015, 016, 017, 018.’ – Granted 04/07/1997.
- **9003209** – Planning Permission for ‘Extensions and alterations including the formation of an additional room at second floor level and a covered swimming pool at the rear as shown on drawing nos. 47/01 02 03A 04. revised on 09.01.91.’ – Granted 21/02/1991.

The Water House, Millfield Lane

3.5 The Waterhouse is located on a large plot of land to the immediate west of the application site. There are ongoing negotiations with Camden Council for the redevelopment of the site. The following recent applications are listed on the Council’s database:

- **2011/4390/P and 2011/4392/C** – Planning Permission and Conservation Area Consent for the ‘Erection of a new 2 storey plus basements dwellinghouse (Class C3) with garage, including associated landscaping works, following the demolition of an existing dwellinghouse.’ – No decision available online, application status indicated as ‘Registered’.

Fitzroy Farm

3.6 Fitzroy Farm is located to the north-west of the application site adjacent to the local Lawn Bowling Club. Recent permissions include:

- **2012/2218/P** – Planning Permission for ‘Amendments to children's external waterslide and installation of new external spiral staircase, as a variation to condition 12 (development in accordance with approved plans) of planning permission dated 13/12/10 (ref. 2010/3593/P) for erection of a new basement and 3 storey dwellinghouse (Class C3), conversion of site office to ancillary staff flat, erection of plant enclosure in garden and associated landscaping and highway works, following demolition of the existing 2 storey dwellinghouse and 3 ancillary outbuildings.’ – Granted 25/06/2012.
- **2012/2284/P** – Planning Permission for ‘Amendments (including various changes to height, entrance feature, design and fenestration details) to planning permission granted

13/12/2010 (ref: 2010/3593/P) for erection of a new basement and 3 storey dwellinghouse (Class C3), erection of plant enclosure in garden and conversion with elevational alterations of site office to ancillary staff flat.’ – Granted 14/05/2012.

- **2010/3593/P and 2010/3598/C** – Planning Permission and Conservation Area Consent for the ‘Erection of a new basement and 3 storey dwellinghouse (Class C3), erection of plant enclosure in garden and conversion with elevational alterations of site office to ancillary staff flat, plus associated landscaping and highway works, following demolition of the existing two-storey dwellinghouse and 3 ancillary outbuildings.’ – Granted 13/12/2010.
- **2007/3919/P** – Planning Permission for ‘Amendment to the planning permission granted 2006/3380/P dated 19/09/06 for construction of a new dwelling house; relating to amended depth of basement by additional part mezzanine floor between basement and ground floor, and reduced overall footprint of approved basement.’ – Granted 13/12/2007.
- **2007/0141/P** – Planning Permission for ‘Revisions to planning permission granted 2006/3380/P dated 19/09/06 (for the demolition of the existing two-storey dwellinghouse (Class C3) and ancillary outbuilding and construction of a new two-storey plus basement dwelling) including construction of external walls out of natural limestone and changes to front and rear elevations.’ – Granted 30/07/2007.
- **2006/3381/P and 2006/3380/C** – Planning Permission and Conservation Area Consent for the ‘Demolition of the existing two-storey dwellinghouse (Class C3) and ancillary outbuilding and construction of a new two-storey plus basement dwelling.’ – Granted 19/09/2006.

4.0 Planning Policy Context

- 4.1 This section identifies key national, regional and local planning policy and guidance of relevance to 53 Fitzroy Park, an unlisted building within the Highgate Conservation Area.

Statutory Legislation

The Planning Act and Development Plan

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’

- 4.3 For the purpose of Section 38(6), the development plan in force for the area is the London Plan (2011), the Camden Core Strategy (2010) and Development Policies (2010).

The Planning (Listed Building and Conservation Areas) Act 1990

- 4.4 The Planning (Listed Building and Conservation Areas) Act 1990 (as amended) provides specific protection for buildings and areas of special architectural or historic interest over and above that provided by development control.

- 4.5 Section 72 (1) of the Act, with regard to general duty in the exercise of planning functions in Conservation Areas requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

- 4.6 It is recognised that where a proposed development would cause harm to the character or appearance of a conservation area, s72 (1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that considerable importance and weight must be given to that harm in the decision-making process. It is not merely a material consideration to which a Local Planning authority can simply attach such weight as it sees fit (*Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014]; *The Queen (on the application of (1) The Forge Field Society (2) Martin Barraud (3) Robert Rees) v Sevenoaks District Council* [2014]).

- 4.7 However, it does not mean that the weight the authority should give to harm which is limited or “*less than substantial*” must be the same as the weight given to harm which would be “*substantial*”. Whilst the finding of harm to the character or appearance of a conservation area gives rise to a strong statutory presumption against planning permission being granted, it can be outweighed by material considerations powerful enough to do so.

National Planning Policy Framework (2012)

- 4.8 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, including contributing to protecting and enhancing our built and historic environment and conserving heritage assets in a manner appropriate to their significance.

- 4.9 The relevant chapters of the NPPF are:

- Chapter 7 Requiring good design, and
- Chapter 12 Conserving and enhancing the historic environment

4.10 Under the NPPF, within Chapter 12, Conservation Areas are considered designated heritage assets. Paragraph 126 of the NPPF outlines that the conservation of heritage assets can bring wider social, cultural and environmental benefits.

4.11 The NPPF seeks to secure high quality design and a good standard of amenity, specifically:
“Good design is a key aspect of sustainable development, is indivisible from good planning...”
(Paragraph 56).

4.12 Development should “respond to local character and history, and reflect the identity of local surroundings and materials...” (paragraph 58).

NPPF – Conserving and Enhancing the Historic Environment

4.13 When assessing applications the NPPF states that local planning authorities should identify and assess the significance of any heritage assets affected, including any contribution made by their setting (paragraph 129).

4.14 Paragraph 132 requires local planning authorities to give ‘*great weight*’ to an asset’s conservation. Where a proposal will lead to ‘*less than substantial harm*’ to an asset, the harm should be weighed against the public benefits of the proposal (paragraph 134).

4.15 Paragraph 137 of the NPPF highlights that local planning authorities should look for opportunities for new development within Conservation Areas to enhance their significance.

London Plan (2011)

4.16 The London Plan (2011) is the regional development plan of relevance to the application site. It requires that development should identify value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail (Policy 7.8 – Heritage Assets and Archaeology).

4.17 Other London Plan Policies of relevance to this application are:

- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led Regeneration
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture

London Borough of Camden Policy

LDF Core Strategy Policies

4.18 The following Policies within the Camden Core Strategy are relevant to the proposed redevelopment of 53 Fitzroy Park:

- CS1 (Distribution of growth)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)

- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) – *full policy text at Appendix 1*
- CS16 (Improving Camden's health and well-being)

Development Management Policies

4.19 The following Policies within the Camden Development Management Policies are relevant to the proposed redevelopment of 53 Fitzroy Park:

- DP6 (Lifetime homes and wheelchair homes)
- DP16 (Transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and the availability of car parking)
- DP19 (Managing the impact of parking)
- DP20 Movement of goods and materials)
- DP21 (Development connecting to the highway network)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP27 (Basements and lightwells)
- DP28 (Noise and vibration)
- DP31 (Provision of, and improvements to, open space, sport and recreation)
- DP32 (Air quality and Camden's Clear Zone)

Emerging Camden Local Plan

4.20 In addition to the adopted planning policy position, the proposals have had regard to the emerging Camden Local Plan Submission Draft (2016).

Supplementary Planning Documents and Guidance

4.21 Regard has also been had to the requirements set out in the following London Borough of Camden Supplementary Planning Documents and Guidance:

- Camden Planning Guidance (2011), specifically
 - CPG 1 – Design (amended 2013)
 - CPG 4 – Basements and Lightwells (amended 2013)
- Highgate Conservation Area Appraisal and Management Strategy (2013)

4.22 The Highgate Conservation Area Appraisal and Management Strategy was adopted in 2013 and is a material consideration in the determination of applications within the Conservation Area or its setting.

Key Assessment Tests

- 4.23 The key issues and considerations for the assessment of the proposed development based on the policy context outlined above are considered to be as follows:
- 1 The Principle of Demolition of the Existing Building
 - 2 Design of Replacement Building
 - 3 Effect of the Development on Private/Public Open Space
 - 4 Acceptability of Lower Ground Floor Development and Design
 - 5 Amenity of Neighbouring Occupiers
 - 6 Transport Issues
 - 7 Trees and Landscape/Biodiversity Strategy
 - 8 Sustainability
- 4.24 These matters are addressed in detail in Section 7.0 of this Statement and in the accompanying Design and Access Statement.

5.0 The Proposed Development

5.1 This application seeks planning permission for the demolition of 53 Fitzroy Park, an existing part-two part-three storey 5 bedroom property, and the erection of a new three storey single family dwelling including green roofs at first floor and roof level, solar panels at roof level and associated landscaping including new boundary treatment to the property and the planting of numerous new trees.

5.2 The proposed building would have the relationship set out below in Fig. 5.1 with the existing and extant permission for the layout of the building within the site.



Fig. 5.1 (above): Ground Floor Area and Location Comparison (existing, 2012 permission and 2016 approved and now proposed layout)

5.3 The Design Evolution that has led to the proposed arrangement, informed by three rounds of pre-application negotiations with Officers and consultation with neighbours, is set out in detail within the accompanying Design and Access Statement.

5.4 The proposed house would provide a children's games room, cinema, study, guest accommodation, staff accommodation, laundry, plant and wine rooms and other storage accommodation at the lower ground floor level; a formal lounge, dining room, kitchen and family room at ground floor level; and a master suite with terrace and three other bedrooms with en-suite facilities at first floor level.

5.5 The proposal involves a new hedge and timber pedestrian and vehicular gate along Fitzroy Park with a new pleached tree screen above the boundary treatment for extra seasonal screening of up to 4-5m in height.

5.6 The landscape plan involves the planting of six new trees between the proposed house and the boundary to Fitzroy Park (three of which are evergreen Holm Oaks, two Bay Laurels and a new Lime); a further seven new trees along the boundary with 51 Fitzroy Park (two evergreen Holm Oaks, three Field Maples and two Limes); and a further six large trees and numerous smaller

trees and planting in the rest of the site. There is also reinstatement of grassed areas with new pond/water feature and wildflower planting.

- 5.7 Only four trees are to be removed to facilitate the development, in contrast to the nineteen new trees which will be replanted. A number of ecological improvements such as bird and bat boxes are also proposed. A green roof, solar panels and air source heat pumps are also proposed on the roof of the new dwelling to make this a sustainable redevelopment of the site.
- 5.8 The proposed building is mainly constructed from natural stone cladding, with large areas of glazing and high quality bronze framed windows and doors. The building has numerous sculptural qualities and the proposed design is set out in detail in the accompanying Design and Access Statement.



Fig. 5.2 (above): Visualisation from the 2016 approved and now proposed new front entrance to the property.



Fig. 5.3 (above): Visualisation from the extant approved planning scheme - 2011/1682/P (by EMRYS).



Fig. 5.4 (above): Visualisation of the 2016 approved and now proposed scheme viewed from Fitzroy Park (Wolff Architects).

6.0 Consultation Process

- 6.1 In relation to the 2016 approval at the site, the proposals were subject to three submissions for written pre-application advice with the Local Planning Authority, resulting in several adjustments and revisions to the design proposals, including orientation, positioning, massing, height and detailed design.
- 6.2 In parallel, as part of the 2016 approval, a number of the immediate neighbours of the site were contacted to discuss the proposals, which led to further adjustments to the positioning of the building, alterations to fenestration, height and detailed design, and the introduction of screening in the form of evergreen and deciduous semi-mature trees and a pleached tree hedge.
- 6.3 Detailed consideration of the matters raised in relation to the previous approvals at the site has informed these revised proposals. This includes those matters raised under application refs. 2011/1682/P, 2015/2197/P and 2015/0441/P.
- 6.4 As the proposals under this revised application remain near identical, with the exception of the approved basement level now being removed from the redevelopment, the extent of consultation and community involvement undertaken for the previous scheme remains applicable. A full account of the consultation undertaken in relation to the proposed development is therefore again set out in the accompanying Statement of Community Involvement prepared by Hardhat (dated January 2015).
- 6.5 Notwithstanding the above, the Fitzroy Park Residents Association has been re-consulted on the revised drawings and supporting documents in advance of this submission. This consultation took place for 14 days from 03 to 17 March 2017. Notwithstanding the 2016 approval at the site, the Fitzroy Park Residents Association confirmed by email on 20 March 2017 that it wished to maintain its earlier objection to the 2016 approved scheme (under ref. 2015/0441/P). In particular, this related to construction traffic, impacts on trees and the topographic survey data used for the swept path analyses.
- 6.6 The 2016 approval remains a material consideration to the determination of this application and the arrangements considered acceptable by the Council under that approval should therefore remain acceptable now for this proposal which is to be determined under an identical statutory and policy framework.

7.0 **Assessment**

Principal Considerations for Assessment

7.1 From the policy context set out above, the principal considerations material to the determination of this application remain as per the considerations under the extant approved application under ref. 2015/0441/P. Notwithstanding this, these are again set out as follows:

- 1 Principle of Demolition
- 2 Design of the Replacement Building – Scale, Bulk, Design Approach
- 3 Effect of the Development on Private/Public Open Space
- 4 Acceptability of Lower Ground Floor Development and Design
- 5 Amenity of Neighbouring Occupiers
- 6 Transport Issues
- 7 Trees and Landscape/Biodiversity Strategy
- 8 Sustainability

7.2 Each of these is addressed in turn below.

1. Principle of Demolition

7.3 The existing building at 53 Fitzroy Park is not statutorily or locally listed nor is it identified in the Highgate Conservation Area Statement as a building which makes a positive contribution to the area. It sits prominently close to the highway in views and is built of low quality and now degraded materials. Its visual appearance is utilitarian and unattractive and our view is that it detracts from the character and appearance of the area.

7.4 While the buildings in this part of Fitzroy Park are stylistically varied, and a great contribution is made by the many individually architect-designed mid-20th Century houses which form a significant part of the character of the area, this property is such that it has no architectural or historic interest of any value worthy of retaining.

7.5 This has been previously recognised by Council officers and the building has extant and implementable permissions for demolition under the most recent permissions at the site, including refs. 2015/2197/P and 2015/0441/P. The circumstances since these permissions for demolition were granted have not changed.

7.6 As such, there is no impediment to the demolition of the existing building as part of this new proposed redevelopment of the site, as the 2016 approval remains extant and implementable.

2. Design of Replacement Building

7.7 A primary consideration on the redevelopment of the site is the effect upon the wider character of this area, and the effect on the setting of, and views from, The Heath and within the Conservation Area. Thus the new building's height, massing and position within the site and the sloping topography have been considered carefully in the evolution of the proposed design and in parallel to the process of consultation with Officers and local residents undertaken for the 2016 approved scheme. Therefore, as the replacement building proposed by this new application remains identical to the approved situation, with the exception of the removal of the approved basement level, the design of the replacement building remains acceptable.

- 7.8 Notwithstanding the above, the previous assessment and conclusions related to the proposed replacement design are reconsidered and set out below.

Scale, Bulk and Massing

- 7.9 This stretch of Fitzroy Park is characterised by large detached; mostly two storey houses with pitched roofs, sitting within variously developed gardens. Most existing properties are clearly visible from the road and while green planting is prominent, it is clear the area is developed and not undeveloped rural land. The existing properties to the east of Fitzroy Park are particularly prominent as you move along the road since they sit raised on higher topography than the road itself and properties on the west side.
- 7.10 In footprint terms, the proposed building remains identical to that approved in 2016 under ref. 2015/0441/P. Notwithstanding this, whilst the footprint of the approved and again now proposed replacement dwelling may have a larger footprint than some of the surrounding properties, there are a number of existing buildings in the vicinity which are larger. Analysis of the relative sizes of buildings to plots is again provided in the accompanying Design and Access Statement.
- 7.11 The redevelopment scheme at 51 Fitzroy Park immediately adjacent to the north of the application site is now complete, and is not of a dissimilar scale to the development previously approved and again proposed at 53 Fitzroy Park, albeit is itself located on a smaller plot than the application site.
- 7.12 The overall general volume and bulk of the proposed development remains as previously granted in 2016 and as accepted, will not be significantly prominent in views from either the road or other properties. In comparison to the relative size and prominence of extant buildings in the immediate vicinity, the proposed dwelling would appear no bigger, nor more prominent than others do at present.
- 7.13 Given the proposed building is set into the downward slope from Fitzroy Park, views of the proposed building from the road will actually appear less prominent than the existing buildings to the east which are taller by virtue of their pitched roofs above two full and visible storeys from ground level, but are also more prominent given their position on raised topography.
- 7.14 The now proposed building under this new application would no longer have a basement excavated under it, but will retain that approved lower ground floor level, which includes accommodation and service areas, that comprise a significant proportion of the total floorspace proposed. This floorspace would be below the street/‘ground’ level where it has no impact on the ‘above ground’ mass visible from Fitzroy Park. As discussed previously, the Council has accepted under that extant permission at the site that there are no views of the site from Millfield Lane, so the rear façade of the building will again have no impact on public views from the Conservation Area, the private open space or The Heath.
- 7.15 The overall massing of the new building has been extensively considered to reduce the visual effect of the building from the surrounding area with significant bulk of the proposed building below the street level of Fitzroy Park; the ground floor wholly concealed by the proposed boundary treatment, and the first floor level modestly scaled and possessing a flat roof with a low parapet that sinks back into the site. The latter would be screened by retained and proposed planting in a much less prominent way than existing buildings in the vicinity on higher ground and with prominent pitched roofs and dormers.
- 7.16 The extent of the proposed development at first floor level protruding above the new enhanced boundary treatment and associated pleached tree arrangement will continue to be less

prominent than the existing building which sits close to the road behind a sloped concrete parking area.

- 7.17 The effects arising from the additional bulk at first floor level from the wider public realm are relieved by the fact that the proposed building continues to be set back into the plot further away from the roadside than the existing building. As with the 2016 approved scheme, the replacement building would continue to be less prominent in views along Fitzroy Park than the existing building and would not appear significantly bigger than the existing.
- 7.18 These facts are again confirmed by the CGI visualisations of the proposed scheme in comparison to the existing and 2012 approved position which are set out in the accompanying Design and Access Statement. Winter views from the surrounding properties to show the seasonal effects absent foliage have also been included.
- 7.19 It should be noted that the proposed scheme (as approved in 2016) and its neighbour 51 Fitzroy Park (recently redeveloped) are not visible from The Heath either in long views or from the edge of the Heath at Millfield Lane. This was accepted by the Council in the approval for 51 and the extant approval at 53. Indeed with the extant approval at 53, the height of the replacement building was reduced by over a full metre in direct response to Officer comments, resulting in a dwelling some 450mm shorter than that recently built at 51 Fitzroy Park. Therefore, in light of the above, and as per the 2016 approval, the scale, bulk and massing of the proposed dwelling remain acceptable and no verified views from The Heath are necessary.

Design Approach

- 7.20 Fitzroy Park is characterised by a mix of houses dating from the 19th and 20th Centuries. The mixed architectural approach is derived from the historic ownership of the land. Originally the area around Fitzroy Park was part of the larger estate of Fitzroy House, a Palladian house which was demolished in 1828. The carriageway to the house became Fitzroy Park. The area has gradually been developed along the road over time, resulting in a range of styles of buildings including buildings dating from the 1960s, with a number of houses designed by and for architects.
- 7.21 The proposed building is of a contemporary modern design with classical influences and provides a high-quality residential appearance. Such a design is entirely in keeping with the existing varied yet high quality surroundings, and the materials and finishes proposed would enhance the character and appearance of the Conservation Area.
- 7.22 The new building would not only reflect the existing overall evolution of the area, but would also add to and enhance it. In comparison to the low quality of the existing building, the new proposal is a significant improvement and the replacement structure should in terms of the quality of its appearance and materials be welcomed. As such, there can be no in principle objection to the design approach employed by this proposal, particularly given the approval of the identical design approach under ref. 2015/0441/P (decision dated 04 July 2016).

Front Elevation

- 7.23 The existing building sits prominently in view of the street fronted by a concrete parking area and low quality boundary treatment. It covers approximately 40% (at ground floor level) of the plot frontage with the high boundary wall screening the rest of the garden (which is at a much lower level due to the topography of the site).
- 7.24 A new continuous fence and hedge (with a wooden pedestrian and vehicular gate) would be erected/planted along the frontage with a row of pleached trees at higher level behind to provide additional seasonal high level screening to the frontage.

- 7.25 As per the character of the area which has a secluded and verdant feel despite the prominence of some of the extant buildings, the proposed boundary hedge and pleached trees would be entirely appropriate soft boundary treatment in this context and would maintain the sense of seclusion by separating the building from the street. This would be in notable contrast to the hard boundary treatment allowed as part of the redevelopment of 51 Fitzroy Park to the immediate north, and our client has specifically designed the appearance from the street of the proposed new dwelling to be as soft and green as possible to enhance the extant character and appearance of the street.
- 7.26 Despite having a larger footprint than the existing building, the ground floor and lower ground floor level below would be entirely screened by the new boundary treatment, while the upper floor would be considerably screened by the existing mature trees and significant new planting between the boundary and the new building.
- 7.27 The first floor element of the new building would have the greatest impact on the surroundings, however this remains identical to the extant approved first floor level under 2015/O441/P. Notwithstanding this, this element should again be considered in the context of the following:
- The height of the proposed building is not significantly greater than the existing and remains exactly as per the extant 2016 permission for the redevelopment of the site
 - The proposed building is 450mm shorter than the replacement dwelling recently constructed at 51 Fitzroy Park adjacent to the north
 - The front elevation height of the proposed building is considerably lower than the ground to roof pitch heights of the extant 1930s buildings opposite which are more prominent in their design and physical location on a raised ground level
 - The building avoids the use of a pitched roof to minimise height
 - The building has only a low parapet at roof level, again to minimise height, and
 - The building is set further from the road than the existing building to reduce the effect of the proposals in views.
- 7.28 The proportions and orientation of the building are such that the additional first floor width still reads as subservient to the prominence of existing development in the immediate surroundings.
- 7.29 The low height of the building and design to push the accommodation as low as possible to the road with the majority of the bulk of the building below street level using the topography, as well as the reorientation of the building mean that it has a very limited impact on the appearance of the site from the road.
- 7.30 The angling of the building and the set back of the northern element are deliberately positioned in such a way that they minimise any visual impact of the structure moving northward along Fitzroy Park. The building tapers away from the public realm.
- 7.31 In views from the opposite direction (looking south) the angle of the proposed building reads as clearly subservient to the prominent view of 51 and its tall boundary treatment onto Fitzroy Park. Any extra bulk in this view will be barely perceptible as it will be screened by the trees along the front boundary.
- 7.32 The effect of the development is further minimised by the extensive new tree planting, with specific selection of evergreen species for year round cover.
- 7.33 Generally in all views where the new building will be visible, the more refined, angular form and high quality materials with textures and subtle finishes will provide an improved visual experience to the viewer.

- 7.34 It is acknowledged that the depth of the first floor is greater than existing but this is only visible in limited oblique views for a short distance in the gap between the site and 55 Fitzroy Park to the south. However this needs to be considered in conjunction with the remaining gaps to the north and south of the building, the increased distance from the road, and the improved planting which all provide an enhanced visual experience on Fitzroy Park that enhances the character and appearance of the Conservation Area and the experience of the private open space. On balance these improvements at least maintain the sense of openness within the open space designation. This was accepted under the recent 2016 approval at the site.
- 7.35 The front elevation has been designed in a very restrained manner with minimal areas of glazing in order to maintain a sense of subservience and seclusion to the street. High quality stone has been chosen for the cladding which is a durable and high quality material and is appropriate for this contemporary design.
- 7.36 Subtle interest would be provided to the façade through bedding planes and the natural variation of colour in the stonework. Over time weathering would dull the stonework down from a creamy white to a duller greyish brown tone. It is considered that the design of the new building would sit well in the context of the wider area and enhance the character and appearance of the wider Conservation Area.

Views from the Rear

- 7.37 In a similar manner to the existing, the proposed building is orientated to address the garden, rather than the road, with a much greater degree of modulation and glazing, with terraces and roofs creating a stepped appearance in line with the topography of the site.
- 7.38 The rear of the building is not visible in any public views, and while in elevation and visualisation terms the building reads as larger from this direction, this has no impact on either the Conservation Area or the private open space. As such, this approach to design acceptably addresses the constraints of the site given the topography, the importance of maintaining a secluded character to Fitzroy Park, and the limited views of the rear of the building.
- 7.39 This is most notable in plans due to the topography of the site at the rear of the building providing for three exposed storeys compared with two to the front. To address this, even though the façade is not publically visible, the visual appearance of the façade is significantly broken up through the use of careful massing, areas of glazing and the use of differing materials.
- 7.40 In winter, Officers have previously accepted in the extant permission for the site that only very limited views may be possible of the rear of the building from Millfield Lane, where these views will only be glimpses rather than a panoramic view and would be in the context of a considerable distance of separation and through leafless, but nonetheless dense vegetation.
- 7.41 Overall the massing of the building is not considered to be harmful to the character and appearance of the area, and provides both a sense of depth and interest to the building with the height stepping down in response to the topography of the site, but also a considerable improvement over the appearance of the site as extant.
- 7.42 Additional interest is added through the introduction of both high quality textural and sculptural finishes to the proposed stone and bronze works. Both these materials introduce a degree of texture and subtle variation in colour to break up the stone façade that will provide enhancements to the appearance of the building from the street.

3. Effect of the Development on Private/Public Open Space

- 7.43 Policy CS15 identifies open space as being important to the borough in terms of “health, sport, recreation and play, the economy, culture, biodiversity, providing a pleasant outlook and providing breaks in to the built up area”.
- 7.44 As the space is private, in terms of design and the impact on the Conservation Area, Officers have previously set out that the most relevant aspects of this policy consideration would be providing a pleasant outlook and providing breaks in the built environment.
- 7.45 Policy CS15 also seeks to preserve and enhance the historic, open space and nature conservation importance of Hampstead Heath and its surrounding area by various measures, including protecting Metropolitan Open Land, public and private open space and protecting views from The Heath and across it.
- 7.46 The proposed site is located in Fitzroy Open space which is identified as private open space. In comparison to the existing building the new building is undoubtedly larger in footprint, but the proposed building has been carefully designed to work with the topography of the site and enhance the existing attributes of the site through repositioning the building and improving the boundary treatment, landscaping and planting on the site including a significant number of new trees.
- 7.47 The visual break through the south of the site has been maintained and the proposed building is set back from the boundary further from the extant building, consistent with that previously consented by the most recent permission for redevelopment in 2016.
- 7.48 The additional benefit of moving the building further into the site is that this part of the site is screened by the mature trees along the boundary which are proposed to be retained and it leaves additional room for planting larger new trees for both screening and visual amenity/outlook.
- 7.49 The proposals, which include planting of new trees, a new boundary fence/hedge, modulation and set back of the proposed building over the existing situation and the articulation to the north of the building, the whole building will not read as significantly larger than the existing building in views from the street along Fitzroy Park. The proposal also remains entirely as consented in 2016. While the views from some surrounding buildings will change with the proposal built out, this will not be harmful given the change occurs in the context of the removal of a building which actively detracts from the appearance of the area in its long empty and decayed form.
- 7.50 As with the extant approved scheme, it is acknowledged that the proposed building would project further into the plot than the existing building, but this is at a lower level which would largely be invisible from outside the side, and in particular would have no impact on views from the public realm.
- 7.51 Despite the larger footprint of the building this still compares favourably with the footprint and plot to building ratios of other sites in the vicinity and the majority of the site would still be undeveloped and left open.
- 7.52 It was previously noted by Officers that it is the space left undeveloped that is the most sensitive area, and the whole western section of the plot remains available for high quality landscaping, additional space is created for substantial planting on the property frontage, and the space next to 55 Fitzroy Park is left open for views through towards Hampstead Heath and the area adjacent to the neighbouring gardens and pond which cumulatively provides a larger unbroken area.

- 7.53 As has been noted, views of the back of the property are extremely limited due to the extensive planting and trees. Trees and a new boundary are proposed to be planted around the edge of the property which, although they would not be initially mature, could still be 5-6 metres in height which would screen the site and maintain the verdant and secluded feel from the rear and sides.
- 7.54 As there is also a dense screen of trees on Hampstead Heath around the ponds it is not possible to see the existing building from the adjoining areas of the Heath. Given that the proposed building sits between the height of the existing permissions and that of the adjacent building, it will not have an impact in views from The Heath, and overall would maintain the openness and character of the private open space.
- 7.55 No landscaping associated with new development is complete and mature immediately on construction. A longer view of the improvements and enhancements to the planting and landscaping at the site that will develop with time are significant considerations to weigh against any short term changes to views across a site that has long been vacant and neglected, with no regard paid to the maintenance and degradation of the amenity value it offers.
- 7.56 Therefore, in light of the above and as considered acceptable by officers under the 2016 approved development, the proposed dwelling would not have a detrimental impact on views from the Heath and would maintain the wider openness and character of the private open space.

4. Acceptability of Lower Ground Floor Development and Design

- 7.57 The proposed new dwelling involves the excavation of a lower ground floor level which is subterranean to the front and exposed to the rear of the site to provide additional residential accommodation.
- 7.58 The existing dwelling which will be removed comprises a similar lower ground floor level which is subterranean to the front and exposed to the rear of the site so there is no material difference.
- 7.59 The extant and implementable permission at 53 Fitzroy Park has consent for an identical lower ground floor level. The revised proposals here remove the 2016 approved basement level but retain an identical lower ground floor level to that approved, in particular with regard to its size and relative extent.
- 7.60 Although the approved basement level is now removed from the proposed development, a full Basement Impact Assessment report and Structural Engineering Design and Construction Method Statement still accompany this new application (as before), given that the proposal retains the approved lower ground floor level built into the surrounding slope.
- 7.61 The only material difference is that the removal of the approved basement level results in less excavation of the site and but also significantly reduces the number of piles proposed and concrete required.

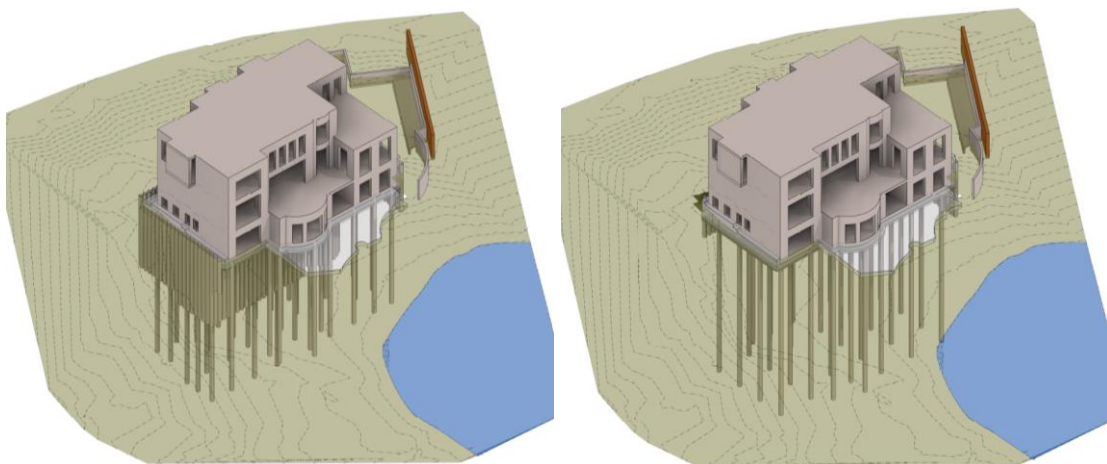


Figure 7.1 (above left): 2016 approved piling situation under ref. 2015/0441/P, with basement shown. Figure 7.2 (above right): Now proposed piling situation under this new application, with basement level removed.

7.62 The previous Basement Impact Assessment submitted under the 2016 approval was subject to independent verification by the Council's independent assessor, Campbell Reith, who confirmed that it was fully satisfied with the level and nature of information provided. The Council's officer report stated:

"It is concluded that the BIA presented has a robust understanding of the local soil characteristics and the groundwater regime that is more than adequate to support the proposed works. The assessment has identified appropriate parameters for the design and construction of the works which can be implemented safely, taking into account the stability of excavations and the adjacent...properties. The...associated BIA therefore meets the relevant requirements of DP27, CS14 and CPG4."

7.63 The Basement Impact Assessment (and supporting structural information) has been revised to reflect the changes to the approved scheme and continues to demonstrate both a robust approach and that the proposed development, which includes an identical lower ground floor level, can be safely and appropriately undertaken. We therefore consider that the lower ground floor level remains acceptable and that the revised information will similarly satisfy the Council and its independent assessor as with the 2016 approved development.

Surface water, Flooding and Ground Water

7.64 The site is approximately 100m north-east of and within the catchment of the Bird Sanctuary Pond, and is also about 15m uphill of the pond at 55 Fitzroy Park.

7.65 It is likely that the principle route of surface water drainage would be to the west of the site, where drainage pipes have been identified which run towards a chamber beneath a manhole cover. The impact on surface run-off would not be affected as the proposed development will not result in a significant change in the proportion of hard surfaced/paved areas, and the new green roof proposed to the building will also improve the proportion of rainfall held on site before slow release.

7.66 The submitted Basement Impact Assessment report sets out that the site lies on the north-west facing flank of a gentle north-east to south-west orientated valley, which forms part of the catchment of the Highgate Ponds, but establishes that there is no surface watercourse flowing within this valley.

7.67 The Basement Impact Assessment also establishes that lower ground floor design has been developed to take account of seepage within the ground near the proposed structure, and to

provide the necessary means for seepage to continue during and after construction without being significantly impeded. In the long-term seepage through the shallow soils will be managed via a series of land drains, which will aid the distribution of the water back in to the ground.

7.68 In addition to the above, the extant approval has established that the proposed lower ground floor level can be safely constructed without the threat of damage to the adjacent road, and the supporting application documents and information again demonstrate that the cumulative impact of such excavated development (including basements) in the vicinity will not permanently or adversely affect the flow of water to the nearby ponds. Similarly there is no evidence that the relatively limited excavation of basements or lower ground floors in the vicinity has/will have any adverse impact on the supposed complex geology or springs and streams in the wider area.

7.69 In light of the above, we consider that the proposed development remains acceptable in terms of its effect of surface water, flooding and ground water considerations. Please refer to the full Basement Impact Assessment report for full details.

Slope stability

7.70 On Figure 16 “Slope Angle Map” in the Camden Geological, Hydrogeological and Hydrological Study report the site is in a location where the slopes are shown as 7°-10°. The site is also located on or close to the area where the London Clay is buried by the Claygate Beds and where a veneer of head material may cover the site or the area impacted by the proposed development. The Camden Geological, Hydrogeological and Hydrological Study report advises that in the areas highlighted in Figure 16, land stability issues should be considered in detail.

7.71 The lower found floor will be constructed in a similar way to the extant 2016 approval for the site, albeit the removal of the approved basement level has resulted in an updated approach to piling (see Figures. 7.1 and 7.2 above). Accordingly, this new application is accompanied by an updated preliminary assumed sequence of construction and structural engineering notes. The revised structural information has taken full account of the discussions at the time of the last permission granted in 2016.

7.72 In overall terms, the level of information submitted with this application will again fully satisfy the requirements of Camden’s Basement Construction Policies as they relate to the proposed lower ground floor level, which remains identical to that previously approved. As before, the proposed development would be unlikely to cause harm to the built and natural environment and local amenity, and will not result in flooding or ground instability. Similarly any concerns about the stability of the slope away from the road, and the maintenance of the condition of the road are unfounded.

5. Amenity of Neighbouring Occupiers

7.73 In comparison to the existing building, the new residence now proposed is positioned further into the plot away from the boundary with Fitzroy Park. This remains as per arrangement approved under ref. 2015/0441/P (decision notice dated 04 July 2016). This location was previously agreed through liaison with both Officers and local residents.

7.74 The building had been deliberately designed to limit the number of windows proposed on the front elevation, particularly at first floor level so that it does not introduce new levels of overlooking to neighbouring properties positioned to the east across Fitzroy Park.

7.75 The front facing windows on the ground floor level would be obscured by the boundary treatment to the front and side of the proposed residence. Those at the first floor level are obscure glazed or are slot windows that are both narrow and angled away from direct views

towards the properties opposite to limit any potential for overlooking or loss of privacy. The total area of unobscured glazing at first floor level in the proposed scheme is now less than the area that exists at the existing house. The privacy between properties even at the generous distances between existing properties is now improved by the proposed scheme.

- 7.76 The windows and terraces on the rear elevation would be similar to the existing situation therefore would not have a detrimental impact on the amenity of any neighbouring occupiers.
- 7.77 The windows on the side elevation facing north towards 51 Fitzroy Park are obscure glazed or side facing slot windows in a similar manner to that agreed with the extant permission at the site, and in discussion with the occupiers of 51.
- 7.78 There are no direct views between property windows to the building to the south of the site and as such it is not considered there is any privacy or overlooking issue to consider.
- 7.79 The replacement building is slightly taller than the existing building but (as per the 2016 permission) will be positioned behind the mature trees along the front of the site, the new boundary treatment with additional pleached trees and the newly proposed planting comprising several evergreen Holm Oaks. The proposed building remains set back further within the site than the existing building, and as a direct result provides space for new planting and screening.
- 7.80 The existing outlook of the properties located opposite the site on the east side of Fitzroy Park is towards the front elevation of the existing building which is close to, and prominent in, views as you progress along Fitzroy Park. The existing boundary treatment is poor quality and badly maintained and the trees within the site, while mature are neglected due to the long vacancy of the property. While they provide screening, this would be much improved by the proposed landscaping associated with the new development proposals.
- 7.81 It is noted that in winter the existing views from the properties opposite would change slightly, with some additional views of the new proposal or through to the rear garden of the site, but the views generally would be significantly enhanced due to the removal of the existing building and boundary that detract from the visual appearance and quality of the area, and their replacement with a building of substantially higher quality and much improved associated planting.
- 7.82 While the first floor of the proposed building would extend further north than the existing building, this is consistent with the previously consented development at the site in 2016, and it would be set behind the existing mature trees and new proposed planting. It would also be located further into the site than the existing building.
- 7.83 The resulting view from the properties opposite the site would be towards the new building of similar height to the existing and the same height as previously consented, which would be substantially screened by new planting and set behind the retained trees.
- 7.84 It is again considered that the impact on the outlook from the neighbouring properties is not significant, and it remains commensurate with the outlook of the 2016 approved replacement building.
- 7.85 As before, the resulting development would, in effect, be a two storey house with a flat roof, which would face two storey houses with pitched roofs, where the massing and outlook between properties is therefore very similar to the existing situation.
- 7.86 The previous officer report for ref. 2015/O441/P established:
- there would be no impact on neighbour amenity in regard to daylight, sunlight or outlook
 - the proposed building is positioned further to the north west of the plot than the existing and is orientated such that no detrimental harm would result

- the balconies/patio to the rear elevation, by virtue of their orientation and position, would not have a detrimental impact on the amenity of any neighbouring occupiers
- given the orientation and distance, 14m from 51 Fitzroy Park and 20m from properties on the east side of the road, the increase in bulk over the existing building would be limited in terms of harm to adjacent occupiers
- access to daylight and sunlight would not be diminished to a detrimental degree

7.87 Notwithstanding the above, the relationship of the proposed development and the neighbouring houses has been carefully considered in the context of the topography and distances between buildings and a letter outlining Daylight and Sunlight Effects dated 01 March 2017 accompanies the planning application.

7.88 From this analysis it is considered that the limited increase in height to the property over the existing situation and the absence of clear relationships with sensitive windows that could suffer substantive reductions in outlook means that there are unlikely to be any detrimental effects on the levels of sunlight/daylight in comparison to the existing situation that would warrant more detailed assessment.

7.89 These conclusions were accepted by the Council under the 2016 approved development and therefore remain acceptable under this revised application.

7.90 Therefore, it is clear that the proposed development would not have a detrimental impact on the outlook, privacy, amenity or daylight/sunlight of any neighbouring properties in comparison to the existing situation, and the proposal remains entirely acceptable in line with the extant planning permission at the site.

Noise

7.91 All proposed plant is enclosed within the envelope of the building with a dedicated plant room at lower ground floor level. The accompanying Environmental Noise Assessment Report has been updated and again confirms that the proposed plant would not have a detrimental impact on the amenity of the neighbouring occupiers in accordance with Camden Planning Guidance.

6. Transport Issues

7.92 The site is located approximately midway between Highgate and Archway stations, and the nearest bus stops are located on Highgate West Hill, to the west of the site. Additional bus services are available from Hampstead Lane, to the north of the site. Despite this, the site has a PTAL score of 1b, which indicates that it has a very low level of accessibility by public transport.

Parking/Cycle spaces

7.93 Fitzroy Park is a private road and is not part of the surrounding Controlled Parking Zone CA-U, which operates between 10am and 12 noon, Monday to Friday.

7.94 The property currently has an area of off-street parking that can accommodate up to 4 vehicles (two outside and two in garaging).

7.95 The Council's parking standards allow up to one space per dwelling in areas such as this. However consideration has previously been given to the existing situation which should again be taken into account now, and therefore the re-provision of more than one off-street spaces at the property should be acceptable. It is therefore proposed to retain the four existing off-street parking spaces at the property.

- 7.96 Given the very poor PTAL rating and the fact that the site is a private road and outside of any controlled parking zone, it is considered that it would not appropriate to require this development to be either car-free or car-capped.
- 7.97 There is ample room for the secure parking of cycles within the site to a level that would exceed the Council's standards. A condition can secure the provision of cycle parking on any permission granted.

Construction Management Plan

- 7.98 A new Construction Management Plan Pro-forma (CMP) accompanies this proposal which reflects the previous discussions undertaken for the approved basement construction on the site with residents in the area, including the Fitzroy Park Residents Association.
- 7.99 The CMP sets out safe and acceptable measures for the construction process including predicted levels of vehicle numbers and measures for managing workers and materials arriving at the site.
- 7.100 Contractors will be instructed that there is no parking at the site or on Fitzroy Park. Given the scale of development (replacement single family dwelling), the availability of space on-site for vehicles to park and the fact that there will be a limited number of construction workers working on site at any time, it is considered that contractor parking is unlikely to have a significant negative impact on Fitzroy Park or its continued and unobstructed use by residents.
- 7.101 Some concern was previously raised with regard to pedestrian safety, given the lack of footways along Fitzroy Park. The CMP includes measures to deal with this matter, and as per the extant approval at the site, all aspects of highway safety can be adequately addressed and dealt with.
- 7.102 Other measures for mitigating the impacts of construction vehicles include a wheel wash facility, noise control measures and dust control measures, and these are all considered acceptable in transport terms.
- 7.103 In addition, new swept path analyses have undertaken by Motion to confirm the previous access arrangements are safe and achievable during the three phases of work.
- 7.104 The proposed removal of the approved basement level from this new application significantly reduces the vehicle numbers and movements to and from site during the three phases of construction over the levels considered acceptable in the approved draft CMP/CTMP documents submitted under ref. 2015/0441/P. This is due to the reduction in the amount of excavation proposed, spoil generated and concrete required. Please refer to the revised CMP for full details, in particular the vehicle movement schedule, which establishes the type and numbers of vehicles visiting the site for each of the three phases, including maximum numbers per day and daily averages.
- 7.105 The overall construction period under the extant approved permission was expected to be 95 weeks across three phases (including a 50 week worst case scenario estimate for Phase 3). The removal of the basement and its resultant fit-out has reduced the overall construction period down to 75 weeks across the three phases (with a 41 week worst case scenario for the Phase 3 fit out).
- 7.106 It is acknowledged that the revised CMP remains a draft version at this stage, as there are elements that may require further amendment in agreement with the Council following the appointment of a contractor. However, as with the extant approved draft under ref. 2015/0441/P, the revised CMP provides sufficient information at this stage to allow the Council to approve the revised draft under this application subject to finalisation and approval by condition/Section 106 planning obligation prior to any commencement of works on site.

	Figures as approved in DRAFT under Planning Permission 2015/0441/P	Figures as set out by this revised development	% Reduction
Phase 1 Vehicles Total	24	50	<i>Increased to accurately allow for General Deliveries to and from the site during Phase 1.</i>
Phase 1 Movements Total	48	100	
Phase 1 Duration	10 weeks	10 weeks	No Change
Phase 2 Vehicles Total	784	528	33% reduction
Phase 2 Movements Total	1568	1056	33% reduction
Phase 2 Duration	35 weeks	24 weeks	31% reduction
Phase 3 Vehicles Total	200	160	20% reduction
Phase 3 Movements Total	400	320	20% reduction
Phase 3 Duration	50 weeks	41 weeks	18% reduction
Total Vehicle Numbers	1008	738	27% reduction
Total Movement Numbers	2016	1476	27% reduction
Total Duration	95 Weeks	75 Weeks	21% (or 20 weeks) reduction
Spoil Generated	2331m3	1518m3	35% reduction
Muck Away/Spoil to be removed from site	1973m3	1124m3	43% reduction
Concrete required on site	1100m3	770m3	30% reduction

Table 1: Comparison of approved situation and now proposed draft Construction Management Plan.

7. Trees and Landscape/Biodiversity Strategy

- 7.107 It is recognised that the existing tree cover at the site is visually integral to the character and appearance of the conservation area and the wider backdrop of The Heath itself. As with the 2016 permission, the proposals continue to offer enhancements and result in an improved situation over and above that which currently exists. The proposals remain consistent with that already approved and implementable at the site.
- 7.108 The site and garden have long been neglected. In recent years the applicant has undertaken a programme of site clearance of dead and dying trees in consultation with the Council's Arboricultural Department, which took place prior to the submission of application ref. 2015/0441/P. The relevant Conservation Area Notices were applied for and actioned as appropriate.
- 7.109 Five existing trees are proposed to be removed to facilitate the proposed development, including a Lime, Cherry, Ash and 2 x Sycamore trees, all of which were agreed for removal by the Council as part of the earlier 2012 permission and recent 2016 permission at the site. In particular, the Council's officer report for the latter concluded that:
- "The proposed trees which are to be removed are not of particularly good form and are not considered to make a significant contribution to the character of the conservation area. It is noted that the trees are visible from private gardens surrounding the site, however given the quality of the trees and their limited contribution it would be difficult to insist on their retention."*
- 7.110 We agree with the Council's conclusions, and therefore, in light of the poor quality of the trees and their limited contribution to amenity, plus the existing permission for their removal, it would be unreasonable to now require their retention.
- 7.111 It is considered, as was accepted under the previous approval, that the replacement planting (19 larger trees, several of which are evergreen varieties, and numerous smaller trees and shrubs) will more than adequately mitigate the loss of greenery. In time replacement trees, which greatly outweigh those removed, will provide a substantially greater level of canopy cover and visual amenity in comparison to those removed to facilitate the development.
- 7.112 The trees that are to be retained on site have a reasonable safe and useful life expectancy and are considered to be those that provide the greatest visual amenity within the streetscape due to their location along the boundary with Fitzroy Park. As such the retained trees are those that make the most significant and positive contribution to the character and appearance of the conservation area.
- 7.113 The accompanying Arboricultural information provides a comprehensive methodology for the protection of the trees which will be retained. Appropriate Arboricultural conditions to secure tree protection can be attached to any permission granted.

Ecology

- 7.114 The proposed development lies approximately 120 metres away from The Hampstead Heath Metropolitan Open Land and within the Fitzroy Open Space. It is also located approximately 540 metres from Hampstead Heath Woods Site of Special Scientific Interest (SSSI).
- 7.115 This planning application is submitted with an Ecological Survey prepared by Michael Woods Associates that concludes that the development can be carried out in such a way that wildlife using the site can be protected during construction and continue to use the site once operational.

- 7.116 The site has also previously been recognised as having habitat in the existing overgrown and abandoned garden that would only be suitable for a limited range of wildlife.
- 7.117 The clearance from the site of dead and dying trees and undergrowth set out above has also limited the range of planting on the site that would provide nesting areas for birds and cover for small mammals and common amphibians. The re-landscaping of the site as part of the development will introduce numerous new trees, nesting and cover areas for wildlife.
- 7.118 Referring back to the extant permissions, the Council's Nature Conservation Team and Tree and Landscape Officers considered that the redevelopment of the site was acceptable and the proposals demonstrated that there are unlikely to be any protected species on site. This new application does not alter that position.
- 7.119 Furthermore a number of measures are again proposed as part of an Ecology Proposal based on those previously approved to incorporate measures to improve the ecological value of the site. A variety of grass mixes including wildflower and native grass species to attract wildlife are proposed. The landscaping scheme will include native species to provide a complement to existing or new contributions to food chains.
- 7.120 A green roof across parts of the roof of the new building is also proposed and details of the roof can be secured by condition.
- 7.121 It is therefore considered that these proposals will continue to improve the ecology of the site following the development and mitigate the very limited loss of the trees, as per the 2016 planning permission at the site.

8. Sustainability

- 7.122 The application is accompanied by an Energy and Sustainability Statement prepared by CBG Consultants.
- 7.123 The energy and sustainability strategy for the site has been developed to comply with Camden's guidance set out in CPG3. In addition, a 35% reduction in regulated carbon emissions (relative to the baseline of compliance with 2013 Building Regulations) must be achieved as a minimum (in line with London Plan Policy 5.2), with carbon off-setting to deliver the remaining reductions to reach Zero Carbon. The accompanying Statement sets out that the proposed development will achieve an overall carbon reduction of 36%.

Renewable Energy

- 7.124 The scheme also includes renewable energy in accordance with Camden Planning Guidance in the form of photovoltaic panels and Air Source Heat Pumps. In addition a green roof across part of the roof of the building is also proposed to improve the sustainability of the new building.
- 7.125 Please refer to the full Energy and Sustainability Statement for full details.

8.0 Legal Agreement, CIL and Road Repairs

Section 106 Legal Agreement

- 8.1 Our client understands that should Planning Permission be granted for this revised scheme that it will be subject to a new S106 Legal Agreement. From the extant 2016 permission and legal agreement covering the redevelopment of the site, we understand and accept that the revised agreement will cover the following Heads of Terms:

- 1 Construction Management Plan
- 2 Construction Working Group
- 3 Energy Efficiency and Renewable Energy Plan
Sustainability Plan

Mayoral and Camden Borough CIL Charges

- 8.2 The existing house at the site is 325sq.m and is to be demolished and replaced with a proposed house of 685sq.m. There is therefore a resulting uplift of 360sq.m of floorspace that would be liable for Mayoral and Borough CIL charges.
- 8.3 However, the property is being built for Mrs Volossov as her family's principal residence, and as such, a self-build exemption will be applied for by the applicant to provide relief against the Mayoral and Borough CIL Charges. This is indicated on the accompanying CIL Information Form.

Funds for Any Repairs of the Road

- 8.4 Our client understands that it is normal given Fitzroy Park is a private road that those undertaking development put aside funds in escrow for the repair of any damage caused to the road.
- 8.5 Our client is content to enter into an appropriate agreement to secure the funds necessary in escrow on the basis that they are returned minus any reasonable deductions as a result of repairs at the conclusion of the construction process.

9.0

Conclusion

- a The principle of the demolition of the existing building is acceptable, confirmed by the earlier grant of planning permission in 2016 for a near identical proposal which remains extant and implementable.
- b The bulk, scale and detailed design of the replacement building are such that they not only enhance the character and appearance of this part of the Highgate Conservation Area, but also preserve the openness of the private open space and do not have any perceptible impact on Hampstead Heath in the context of the wider improvements and landscaping proposed to the site. This was confirmed by the approval of ref. 2015/0441/p (decision dated 04 July 2016) for an identical above ground detailed design of replacement building.
- c There are no heritage constraints associated with the redevelopment of the site. The existing building is not statutorily listed or locally listed, nor is it identified as a positive contributor. Furthermore, and as confirmed by the extant permission the proposals would not cause harm to the character and appearance of the Conservation Area.
- d The revised proposals (limited to the removal of the approved basement level only) are fully policy compliant and continue to respond to the varied local character and history of the area, and reflect the identity of the surroundings and varied mix of materials in line with the NPPF (para. 58).
- e The proposed building is architecturally a worthy addition to Fitzroy Park with its mix of high quality and varied modern buildings. It would provide a significant enhancement to the Conservation Area and immediate streetscene through the removal of the existing building which actively detracts from the architectural quality and character of the area. This is in line with the NPPF, which requires local planning authorities to look for opportunities for new development within conservation areas to enhance their significance (para. 137).
- f Sufficient information has been submitted by the applicant to demonstrate that the proposed lower ground floor level (as previously approved) would be unlikely to cause harm to the built and natural environment and local amenity, and it would also be unlikely to result in flooding or ground instability, including instability to the road.
- g The development would not have a detrimental impact on the wider transport network. During the construction stage both the local road network and residential amenity will be protected by the measures included in the Construction Management Plan.
- h The new building remains largely as per the 2016 approval, which was designed to ensure the amenity of neighbouring occupiers in terms of outlook, light, privacy and sense of enclosure is not detrimentally affected.

9.2 In light of the above, the principle of the demolition of the existing building is acceptable given the acceptability of the bulk, scale and detailed design of the replacement building, which remains as approved under ref. 2015/0441/P (dated 04 July 2016), with the only material difference being the removal of the approved basement level from these revised proposals. The proposed new building would therefore similarly have no detrimental impact on the character and appearance of the immediate or wider conservation area or detract from the openness of the open space.

9.3 The development would be appropriate and in accordance with relevant National and Regional Policy, Camden's Core Strategy and Development policies and Camden Planning Guidance and should therefore be approved.

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