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Development Management  
Camden Town Hall Extension  
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Planning Ventures Ltd  
16 Albert Road  
Portishead  
BS20 6PP

Job no. 1159  
Heath Cut Lodge  
6 February 2018

For the attention of Ms Jaspreet Chana

Dear Ms Chana,

|             |   |
|-------------|---|
| Application | Ref: 2017/6838/P  |
| Description | Construction of side extension at second floor level and side and rear extension at third floor level |
| Address     | Heath Cut Lodge, North End Way, London, NW3 7HQ   |
| Applicant   | Mr Matthew Lever and Mr Simeon Howard   |

We refer to the above application submitted by Boyer Planning on behalf of Mr Matthew Lever and Mr Simeon Howard on the 12 December 2017. We act for Mr and Mrs Skelton, owners of No. 2 Heath Cut Lodge (the flat immediately beneath the application site) and write to set out the following comments on the proposals, on their behalf.

For clarification, these comments relate to the following plans and documents which comprise the online submission. They outline the application site, the relevant planning history and the current planning context, and consider the key planning issues associated with the proposals.

- Application Form - 12 December 2017
- Design and Access Statement, Steven Adams Architects
- Planning Statement, Boyer Planning
- Drawing No. SV00: Location Plan
- Drawing No. RD01: Record Drawing Existing Ground Floor Plan
- Drawing No. RD02: Record Drawing Existing First Floor Plan
- Drawing No. SV01: Existing Second Floor Plan
- Drawing No. SV02: Existing Third Floor Plan
- Drawing No. SV03: Existing Roof Plan
- Drawing No. SV04: Existing Front Elevation
- Drawing No. SV05: Existing Side Elevation
- Drawing No. SV06: Existing Rear Elevation
- Drawing No. SV07: Existing Section A-A
- Drawing No. GA01: Proposed Second Floor Plan
- Drawing No. GA02: Proposed Third Floor Plan
- Drawing No. GA03: Proposed Roof Floor Plan
- Drawing No. GA04: Proposed Front Elevation
- Drawing No. GA05: Proposed Side Elevation
- Drawing No. GA06: Proposed Rear Elevation

- Drawing No. GA07: Proposed Section A-A

## The Application Site

Heath Cut Lodge is located on the eastern side of North End Way (A502), on the western edge of Hampstead Heath. The area is predominantly residential, featuring a mix of housing forms of varying heights and architectural styles. Immediately to the north-east is a two-storey detached villa, whilst to the north-west in Wildwood Grove is a row of two-storey brick-built Victorian terraces. To the south-east, the lodge abuts a four-storey, brick-built townhouse with mansard roof accommodation, whilst directly opposite is a pair of relatively modern, three/four storey brick-built buildings incorporating a shop and flats.

The lodge comprises a block of 9 residential flats fronting the corner of North End Way and Wildwood Grove. Of relatively recent construction (c2005) and contemporary design, it reads as two distinct architectural elements. Flats 1 and 2 occupy a two-storey mews-type building set forward on the corner, whilst flats 7-9 are housed in the main block behind, stepping up in height from three to four storeys in the centre and culminating in a heavily glazed penthouse behind a parapet wall. Brick-built, the lodge has a solidity of character that is countered by the use of glazing, lightweight balconies and terraces throughout.

The application site comprises Flat No.'s 7 and 9 Heath Cut Lodge, located on the second and third floors of the main block respectively. No. 2 is located on the upper floor of the mews-building. The existing roof to No. 2 is currently used as a roof terrace to the side of No. 7, whilst No. 9 is framed by a generous terrace to the front, rear and side.

## Relevant Planning History

The on-line planning history for Heath Cut Lodge is limited to two records relating to works to Horse Chestnut trees within the rear car park. There are no on-line records relating to the erection of the block of flats, despite being of relatively recent construction (c2005).

## The Proposals

The proposals involve the extension of Flat No. 7 to the side and rear (north-west and north-east elevations) to accommodate an additional bedroom and living space. The extension will be constructed over almost half the roofspace of Flat No. 2, with the remaining area left as terrace. Above at third floor level, No. 9 (the penthouse flat) will also be extended out to the side and rear to create an additional bedroom and living space (largely subsuming the existing terraced areas here), and a replacement side terrace created over the newly extended roof to No. 7 below. The total quantum of proposed new floorspace (internal and external) is unclear.

## Current Planning Policy Context

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act (2004), the statutory development plan comprises the London Plan (2016 version) and the Camden Local Plan (2017). Both documents locate the site within the Hampstead Conservation Area, but not allocated for any specific land use. London Plan Policies 3.5, 5.3, 7.15, 7.4, 7.6 and 7.8 and Camden Local Plan Policies A1, A4, D1 and D2 are relevant to the proposals.

In addition to the statutory policy framework, national and supplementary planning guidance is relevant. The National Planning Policy Framework (NPPF, 2012) requires the planning system to (amongst other things): seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and

buildings; and conserve heritage assets in a manner appropriate to their significance (Para 17). Supplementary planning guidance is relevant in the form of documents CPG1 Design (2015), CPG3 Sustainability (2015), CPG6 Amenity (2011) and the Hampstead Conservation Area Statement (2001).

These policies/documents raise the following key planning issues with the application proposals, which are addressed in turn below.

## **Key Planning Issues**

### **Quantum of Development**

It is acknowledged that Heath Cut Lodge is located in a residential area where further residential development should be acceptable in principle, however it is questioned whether the proposed quantum of development is appropriate in this instance. The application documents provide no confirmation of the exact area of new floorspace to be created, however it would appear from Drawings GA01 and GA02 that Flat No.'s 7 and 9 will each be increased by approximately one-third respectively (internal space), with a further area of roof terrace created for No. 9. This is a disproportionately large extension per unit, and whilst it may appear proportionate to the scale of the entire block, the accommodation of this amount of additional floorspace impacts adversely on the form and appearance of the two-storey 'mews-building' below in particular. It is not known whether any planning conditions were ever imposed on the original consent to restrict the extension of the lodge at all (for visual or amenity reasons), but this quantum of development would permanently alter the form and composition of what was previously considered acceptable. At the very least, clarification should be provided on the proposed new areas of floorspace and the proportionate increase in size per flat.

### **Form and Design**

London Plan Policy 3.5 requires housing developments to be of the highest quality internally and externally in relation to their context and the wider environment. Policy 7.4 relates to local character and confirms how development should have regard to the form, function and structure of an area, place or street and the scale, massing and orientation of surrounding buildings. Policy 7.6 concerns architecture and sets out how buildings and structures should be of a proportion, composition, scale and orientation and not cause unacceptable harm to the amenity of surrounding land and buildings.

Camden Local Plan Policy D1 seeks to secure high quality design in all new development. Proposals must (amongst other things) respect local character and context, preserve or enhance the historic environment and heritage assets, and be of sustainable and durable construction. All developments, including alterations and extensions, should consider matters of character, setting, context and the form and scale of neighbouring buildings; the character and proportions of the existing building; the prevailing pattern, density and scale of surrounding development; the impact on existing rhythms, symmetries and uniformities in the townscape; and, the composition of elevations.

Supplementary guidance CPG1 expands on Policy D1, and includes specific guidance on roofs and terraces. It confirms the main considerations with roof alterations and extensions are with scale and visual prominence, effect on townscape and architectural style, and effect on neighbouring properties. A roof alteration is unlikely to be acceptable where there is likely to be an adverse affect on the appearance of the building or surrounding street scene, including where the building is designed as a complete composition where its architectural design would be undermined by an addition at roof level.

As shown on Drawings GA01, GA02, GA04, GA05 and GA06, the proposals involve the extension of existing Flat No. 7 (at second floor) to the side and rear, to be constructed out over almost half the existing roof space of adjoining Flat No.2. The same will then apply above, with Flat No. 9 (at third floor) being extended out to the side and rear over the newly created roof space to No. 7. Internally, this will involve the installation of permanent habitable living accommodation over Flat No. 2, and externally will result in the transformation of the two-storey mews-building into a stepped three-storey structure, subsumed within the main block of the lodge.

In respect of the quality of the internal environment, the owners of Flat No. 2 purchased their property in 2017 on the premise that it was contained within a discreet part of the lodge that did not have 'solid' accommodation overhead (other than the roof terrace) and they would not be subject to noise and disturbance from occupants above. The proposed bedroom and living space to No. 7 will stack directly above their master bedroom and kitchen, and will partly encroach on their two other bedrooms. Aside from any mitigation that might be employed in the building fabric, this would still result in a lesser standard of amenity than is currently enjoyed by the occupants of Flat No. 2, and for such reasons is considered unacceptable in respect of Policies 3.5, 7.6 and D1.

In respect of the response to local character and context, this part of North End Way is defined by a mix of buildings heights and styles, amongst which the two-storey detached villa (immediately to the north-east) and the two-storey cottages in Wildwood Grove (to the north-west) are of note, as is the four-storey townhouse immediately to the south. The scale and composition of the existing lodge responds to these, with the two-storey mews-building presenting as a self-contained 'house' on the corner, stepping up to a much larger block behind which then ties in with the tall townhouse. However, the proposed extensions would completely alter this composition, introducing three-storey development on the corner with the villa, producing a much bulkier side elevation to Wildwood Grove and a clumsy change in scale here, and fundamentally changing the modest proportions and compact integrity of the mews-building. The lodge would present to North End Way as a single block (albeit with a stepped roofline) which was clearly not the original design intent for the building and is a disappointing evolution of the scheme. For such reasons the proposed extensions are considered unacceptable in respect of context, scale and form and fail to adequately address Policies 7.4, 7.6 and D1 and the guidance of CPG1.

Finally, the application documents do not specify what measures will be employed to reduce carbon emissions from the new development (or the existing building) other than the use of sustainably sourced materials, wherever possible. Similarly, despite proposing a significant amount of new floorspace over two floors at the top of the building (with potentially a significant increase in load), no structural survey has been submitted with the application to demonstrate the integrity of the building and provide assurance that the works will be of durable construction. This information should be provided to satisfy the requirements of Policies 5.3 and D1 and the guidance of CPG3.

### **Impact on the Hampstead Conservation Area**

London Plan Policy 7.8 requires development to 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. Camden Local Plan Policy D2 and supplementary guidance CPG1 require that development within Conservation Areas preserves, or where possible, enhances the character or appearance of the area. Development that results in less than substantial harm to the significance of a designated heritage asset will not be permitted unless the public benefits of the proposal significantly outweigh that harm (reflecting the guidance of the NPPF).

Hampstead Conservation Area Statement (2001) locates the application site within 'Sub Area 8' of the Conservation Area, within which North End is identified as 'a loose cluster of quite modest houses centred on the

Olde Bull and Bush pub (listed) with the Hampstead Heath Extension banked up steeply all around'. With the exception of the pub, the buildings along North End Way are considered of 'no great quality', although of note the cottages in Wildwood Grove immediately to the rear are identified as buildings which make a positive contribution to the Conservation Area. Policy H31 of the Statement provides specific guidance for roof extensions in the Conservation Area, confirming how extensions are unlikely to be acceptable where (amongst other circumstances):

- It would be detrimental to the form and character of the existing building
- The property forms part of a symmetrical composition, the balance of which would be upset.

As above, the proposed extensions would alter the composition of Heath Cut Lodge, by introducing three-storey development on the corner with Wildwood Grove, blighting the visual integrity of the mews-building and re-presenting the lodge as a single monolithic block to North End Way. Whilst they would not result in a loss of symmetry to its composition, the loss of articulation in its form and massing would be detrimental to the original building and less sympathetic to the smaller-scale, more traditional properties in the vicinity (including the cottages in Wildwood Grove). Accordingly, the roof extensions are considered to neither preserve or enhance the character or appearance of Conservation Area, but would result in less than substantial harm that should be outweighed by a demonstrable public benefit. In this instance, the proposals only benefit the occupants of Flat No.'s 7 and 9 and do not offer any wider public advantage, and accordingly fail to comply with Policies 7.8 and D2, the guidance of CPG1 or the NPPF.

### **Impact on Residential Amenity**

London Plan Policy 7.15 sets out how development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life. Camden Local Plan Policy A1 concerns the management of impacts of development, and resists development if it causes unacceptable harm to the amenity of communities, occupiers and neighbours, taking into account factors such as visual privacy, outlook, sunlight, daylight and overshadowing, noise and disturbance. Camden Local Plan Policy A4 confirms how permission will not be granted for development likely to generate unacceptable noise (the supporting text to this policy explains how the top six sources of noise complaints in Camden includes general people noise, such as footsteps, gathering etc).

Supplementary guidance CPG6 (Amenity) expands on these policies, and confirms how the Council will seek to ensure that noise and vibration is controlled and managed to limit noise and vibration emissions from new development. It acknowledges that everyday domestic activities can generate noise (communal entrances and roof terraces) and that sufficient sound insulation must be provided between dwellings to prevent the transmission of noise between them. If a proposal could result in an unacceptable impact to nearby uses or occupiers then permission is likely to be refused.

As previously stated, the owners of Flat No. 2 purchased their property in 2017 on the basis that it formed a discreet side addition to the main block of Heath Cut Lodge, with no permanent form of 'solid' accommodation overhead. They acknowledged and accepted the light use of the roof terrace above, but quite specifically chose not to live beneath the habitable floorspace of another property, given the potential for noise and disturbance. The proposals for No. 7 now involve the installation of a bedroom and living space stacked directly above their master bedroom and kitchen, and partly encroaching on their two other bedrooms. In the absence of mitigation (no details have been submitted with the application as to how these issues will be managed) it is likely that this will have an unacceptable impact on their existing residential amenities, and thus the proposals fail to satisfy the protective aims of Policies 7.15, A1, A4 and the guidance of CPG6.

## Other Matters

Further to the above issues, the following legal/procedural matters are of relevance to the determination and implementation of any planning consent for the proposals:

### Ownership

It is currently unclear who actually owns the roof space to No. 2, upon which the new extension to No. 7 will be constructed (the existence of the roof terrace does not necessarily confer ownership to No. 7). Aside from the planning merits of the proposed extensions, the owners of No. 2 do not agree to any permanent form of development here that would compromise the enjoyment of their dwelling.

### Community Infrastructure Levy (CIL)

No CIL Additional Information Requirement form was submitted with the application to declare whether there is a CIL liability or not. It is unclear whether the scheme provides more than 100m<sup>2</sup> of new floorspace in total (internal and external), however the Camden and Mayoral CIL will be payable if this is the case.

To conclude, Mr and Mrs Skelton acknowledge that the owners of Flat No.'s 7 and 9 wish to optimise the development potential of their respective properties, however this is a constrained urban site with near residential neighbours who will be directly impacted by such proposals. The gain in accommodation to these parties should not be permitted at the expense of the residential amenities of another, or indeed to the detriment of the townscape or historic environment. If it transpires that planning consent is likely to be permitted for this application, then there are planning issues that should be addressed and potential design solutions to mitigate the impact on Flat No. 2 and on the wider locality. Mr and Mrs Skelton would be keen to engage in constructive dialogue with neighbours and officers to explore these further. We would be grateful if you could keep us updated on the application.

Yours sincerely

**Lyn Jones**

cc Mr and Mrs Skelton