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Dear Sir or Madam,

**78a Compayne Gardens, NW6 3RU**

**S73 Application to Vary Condition 2 (compliance with approved plans) of planning permission ref 2017/2265/P to allow for minor material amendments.**

This letter is written in support of a S73 application to vary condition 2 of planning permission ref 2017/2265/P to allow for minor material amendments, namely to extend the permitted dwelling house at ground floor to the north in order to accommodate an additional bedroom.

The proposed alterations are considered to be minor and the vast majority of principles and details of the approved application will remain unchanged.

**Site background and history**

No. 78 Compayne Gardens is a detached, three storey property in a typical mid-19th Century style situated at the junction of Compayne Gardens and Priory Road. The house is subdivided into 6 flats and sits on a large plot with a rear/side garden. There is a double garage to the rear of the site, which is currently used as storage and office space for the ground floor flat and is under the same ownership. The forecourt can accommodate two vehicles.

The site is within the South Hampstead Conservation Area, which can be broadly defined as a leafy Victorian suburb, almost exclusively residential in character. The site is within close proximity of various retail and residential amenities and has a PTAL rating of 6a.

Planning permission was granted on the 29th January 2018 for the “*demolition of existing garage and erection of a 1x bedroom dwelling within rear garden*” (2017/2265/P). This planning permission was subject to 12 conditions and a legal agreement securing the new unit as car free and requiring the submission of a CMP. No further details are being submitted and therefore they can be carried over. A Deed of Variation can be signed to reflect the new description of development.

There is no other recent or significant planning history relevant to the proposals. Pre application discussions took place prior to the original application (2016/4806/PRE).

**Proposals**

The proposals seek to extend the consented building to the north in order to improve the quality of the accommodation and provide an additional bedroom. The unit will therefore become a 2b/3p as opposed to the consented 1b/2p.

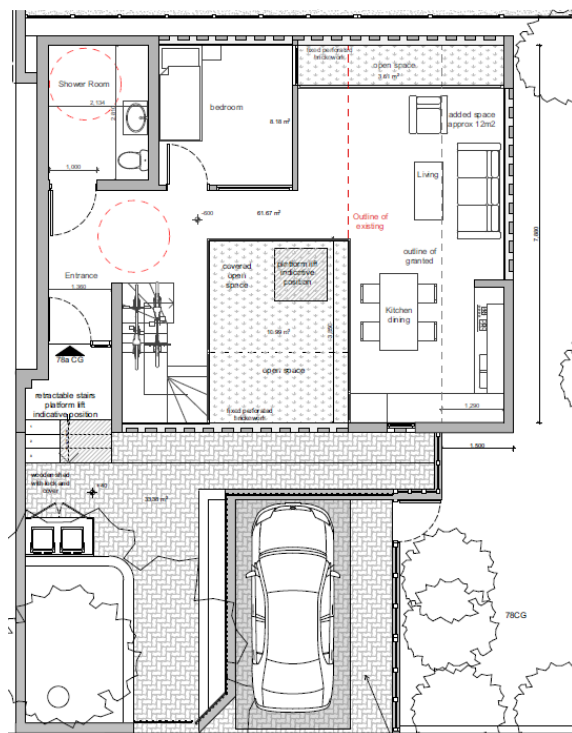
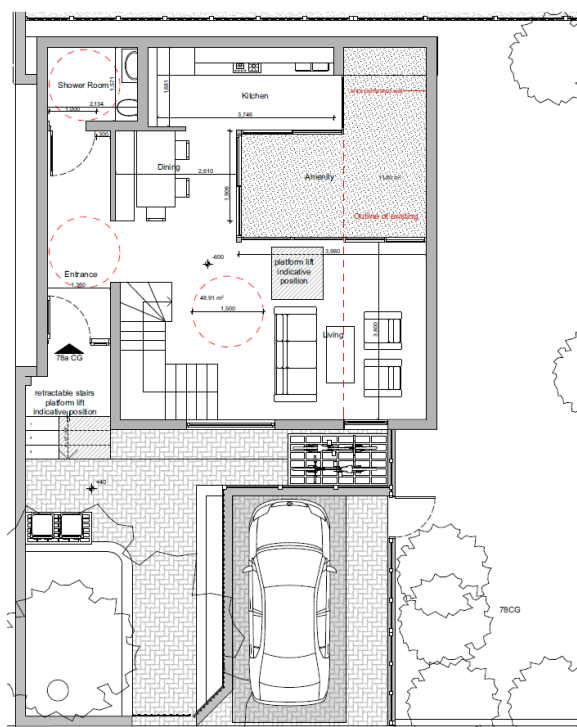
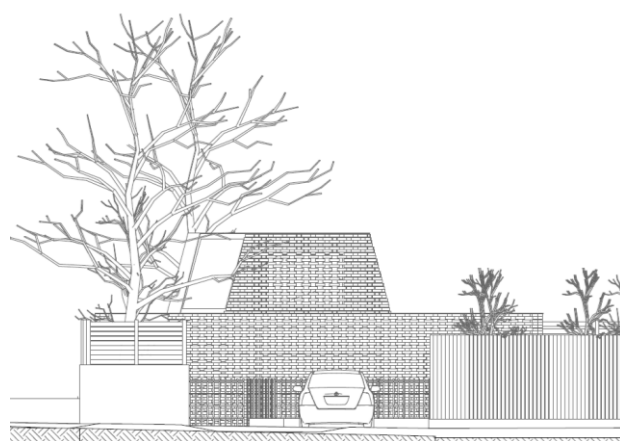
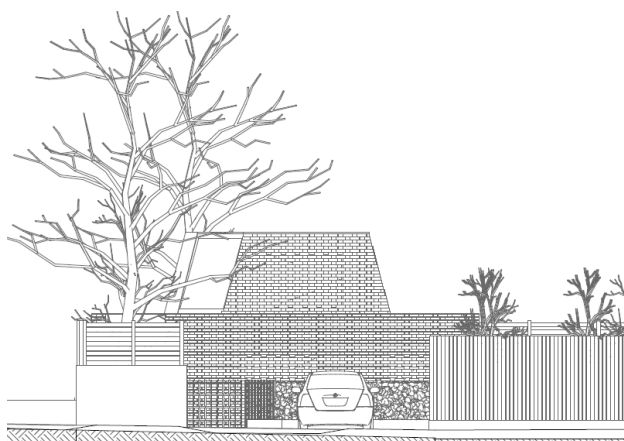
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The proposed extension will push the ground floor wall 1.5metres out into the garden of 78 Compayne Gardens, which is under the same ownership. There will be some internal rearrangement at ground floor. There are no proposed changes to the first floor.

The proposed GIA is 80m<sup>2</sup>, which is an additional 10m<sup>2</sup> above the consent. The DCLG and London Plan minimum space standard for a two storey 2b/3p is 70m<sup>2</sup>. The proposal provides 11m<sup>2</sup> of internal open amenity space and 33.4m<sup>2</sup> of front garden space. The London Plan minimum amenity space standard is 6m<sup>2</sup>.



Consented and proposed front elevations and ground floor plans

## Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan for the area unless any material considerations indicate otherwise. In this case the development plan comprises The London Plan MALP (March 2016) and The Camden Local Plan (July 2017).

The following LPA documents are material considerations:

- South Hampstead Conservation Area Statement
- CPG 1, Camden Design SPD
- CPG 2, Camden Housing SPD
- CPG 6, Camden Amenity SPD
- CPG 7, Camden Transport SPD

Some of the above CPG's are being reviewed and updated.

### NPPF

The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England and is a material consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 14).

Regarding decision-taking, the NPPF advises that Local Planning Authorities should approach this in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible (paragraphs 186 and 187).

### Planning Considerations

The principle of development has already been established through the consent and so is not discussed. The main considerations in this instance are housing and the impact of the revised design on the conservation area, residential amenity, living quality, transport network, trees and landscaping.

### Housing

The residential land use continues to be appropriate. Table 1 of Policy H7 identifies that 2bed units are a high market priority, whereas 1 bed units are a low market priority. Therefore, the amended scheme offers a planning benefit by providing housing more in line with the borough's strategic needs.

Policy H4 requires affordable housing contributions on all development proposing 100m<sup>2</sup> GIA or more of residential floorspace. The proposed development is 80m<sup>2</sup> and therefore is not required to make contributions to affordable housing.

### Design and Heritage

The previous decision notice informative concludes that:

*"the proposed dwellinghouse is considered **appropriate in its scale and design**. The proposal maintains its **subordinate mass and scale** in relation the main dwellinghouse and its infill location within the conservation area. The choice of materials used in the proposal are both **innovative**, but also reinterprets existing design such as the redbrick style which is predominant within the host conservation area. Overall, the proposal would **enhance the character and appearance of the South Hampstead Conservation Area** and its **appropriate in design terms** as a replacement for the garage" (our emphasis).*

The amended proposal extends the ground floor 1.5m into the rear garden of 78 Compayne Gardens. The additional massing will largely be screened by the boundary fence. This additional depth will retain a significant proportion of the rear garden of 78 Compayne Gardens, which is in the same ownership as the application site. As such, the development remains subordinate in mass and scale to the main dwellinghouse and is appropriate for its infill location. It will not erode the character or function of the amenity space. The approach to materials and fenestration has not changed. There are a few alterations in regard to the location of windows and hit-miss brick detailing to correspond with the revised internal layout. Therefore, the amended proposal will have a limited impact on the streetscape above what has been consented and it is considered to continue to enhance the character and appearance of the South Hampstead Conservation Area. The proposals are therefore considered to be in accordance with Policies D1 and D2.



*Birds eye comparison of consented and proposed massing, indicating only a minor change.*



### Residential Amenity

The previous decision notice informative concludes that:

*“The proposal due to its location, scale and design (including the location of the proposed windows) is considered to **cause negligible harm** to the adjoining residential occupiers. This is including the ‘green space’ terrace at first floor level which is situated within the structure and **does not cause any adverse concerns of overlooking or nuisance.**” (our emphasis)*

Again, the increase in massing is minimal and there are no changes to the development that would cause an increase in overlooking or nuisance to alter the conclusion above. The extension into the rear garden will not create an overbearing structure. The addition of another bedroom will not lead to an intensification of the consented use that would harmfully impact noise and disturbance.

The proposals are therefore considered to be in accordance with Policy A1.

### Living Quality

The previous decision notice informative concludes that:

*“The proposed dwelling is acceptable in its interior footprint and space standards as it surpasses the minimum space standard for a one-bedroom, two-storey dwelling and the bedroom also exceeds the minimum space standard for a double bedroom as specified within the Department of Communities and Local Government (DCLG) space standards. The dwelling is also design and adapted to meet the majority of the accessibility requirements of Building Regulations M4(2) and a condition would be added to ensure that the accessibility requirements of policy H6 are met.”*

The amended proposal follows the same principles and provides both internal and external areas in excess of space standards. The dwelling is dual aspect and all of the primary habitable spaces will have a good outlook and receive adequate natural light. The layout of the living/kitchen/dining areas has been rationalised and is considered to be an improvement on the consented application. As in the consent, the internal amenity space has been built into the envelope of the development which will provide an enhanced internal quality without compromising the amenity of neighbours.

The proposals continue to be designed and adapt to meet accessibility requirements of Building Regulations M4(2). Condition 5 relating to this can be carried across to the S73 permission to accord with Policy H6.

### Transport

The previous application was subject to a S106 Agreement securing the new permitted dwelling as car free. As the ground floor of 78 Compayne Gardens remains in the same ownership, the parking permit rights and one off-street parking space were allowed to continue. There are no changes in this regard and therefore this approach continues to be appropriate. A DoV can be signed to reflect the revised description of development.

2 Cycle parking spaces are provided internally under the stairs. This accords with London Plan minimum space standards and increases the security of the storage above the extant consent. The storage is also conveniently located and would allow for easy unrestricted access out of the main door and onto the street. This therefore prioritises cycling as a means of transport in accordance with Policy T1 and CPG 7.

## Trees and Landscaping

The previous decision notice informative concludes that:

*“The proposals involve the removal of 4 trees from the site, which would not cause harm to the character of the CA and is acceptable, subject to a condition securing 2 replacement trees. The submitted Arboricultural report identifies that the works can take place without causing harm to the offsite Norway Maple. The proposals have been reviewed by the Council's Trees and Landscaping Officer who has raised no objections subject to the implementation of conditions as listed above”*

Conditions 6-8 managed the developments impacts on existing and proposed trees, as well as hard and soft landscaping. There are no material changes in this regard and it is therefore considered that the application continues to be acceptable subject to the same conditions.

## Sustainability

The proposed design takes all reasonable steps to minimise heat loss through the use of green roofs and a suitable thermal envelope to the building. Solar panel glazing is proposed to the roof area which will allow for under floor heating and rain water storage is proposed for the toilet facilities. Therefore, the proposals maximise the energy, water and waste efficiency of the building in accordance with Policies CC1, CC2 and CC3.

This approach was found acceptable in the previous application, subject to the submission of a sustainability and energy statement prior to the commencement of the development (conditions 11-12). It is considered that the application continues to be acceptable subject to the same conditions.

## **Conclusion**

In summary, this letter is written in support of a request for planning permission to vary condition 2 of planning permission ref 2017/2265/P under S73 of the Town and Country Planning Act 1990. Namely, the changes are for the extension of the proposed dwelling to the north in order to accommodate an additional bedroom.

The following drawings replace the corresponding consented drawings:

- A1.01\_PR (RevA) Proposed Ground Floor Plan
- A1.02\_PR (RevA) Proposed Mezzanine
- A2.01\_PR (RevA) Proposed Front Elevation
- A2.03\_PR (RevA) Proposed Garden Elevation
- A3.01\_PR (RevA) Proposed Section A
- A4.01\_PR (RevA) 3D Perspectives
- A4.02\_PR (RevA) 3D Perspectives
- A4.03\_PR (RevA) 3D Perspectives

The proposal is considered to remain in accordance with the development plan and would secure the planning benefit of a dwelling more in line with the boroughs strategic needs. The design of the building is largely unchanged and would continue to enhance the character and appearance of the conservation area, as well as preserving the amenity of neighbours, providing high internal living quality and having an acceptable impact on transport, trees and sustainability.

It is therefore respectfully requested that officers grant planning permission for this sustainable development subject to the same conditions as the previous consent.

I trust that the above is clear, but please feel free to contact me on the details set out at the head of this letter should you wish to discuss further.



Yours sincerely

Emilios Tsavellas