

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990

SITE AT KEBONY HOUSE, OAK HILL PARK,
LONDON NW3 7LP

HOUSEHOLDER PLANNING APPLICATION BY

MS ELENA KIZIEVA

PLANNING, DESIGN & ACCESS STATEMENT
(INCORPORATING HERITAGE ASSET IMPACT ASSESSMENT)

May 2018

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1. INTRODUCTION

1.1 This Planning, Design and Access Statement, incorporating a Heritage Asset Impact Assessment, forms part of the householder planning application submitted to Camden Council (“the LPA”) by Ms Elena Kizieva for the ‘*construction of single storey garden room, single storey building containing sauna, outdoor plunge pool, and associated ground level terrace*’ at Kebony House, London NW3 7LP.

1.2 This statement and its appendices should be read in conjunction with the following documents:-

- Drawing numbers CF-129-DR-1-0050-A, 0100-A, 0110-A, 0111-A, 0112-A, 0113-A, 0114-A, 0115-A & 0116-A prepared by Cooke & Fawcett Architects;
- The Tree Survey & Report (AIA) prepared by Wassells Limited; and
- The Preliminary Ecological Appraisal & Ground Level Roost Assessment prepared by The Ecology Consultancy.

1.3 Following appeal decision APP/X5210/D/17/3190488, this application is an unrevised re-submission of application 2017/3900/P, albeit the submission now also includes the Preliminary Ecological Appraisal.

2. THE APPLICATION SITE AND THE SURROUNDING AREA

- 2.1 The application site, which is situated within the Hampstead Conservation Area, comprises a residential plot located to the rear and side of Oak Hill House, Oak Hill Park, Hampstead. Oak Hill House, which dates from the middle of the nineteenth century, has been divided into a number of self-contained flats.
- 2.2 The site is occupied by a recently constructed, single storey dwelling house (Use Class C3), known as Kebony House, which is served by a large L-shaped private garden to the north-west and north-east of the dwelling. Kebony House has a simple, contemporary appearance, and incorporates a flat roof (used as a garden) and substantial areas of glazing. The dwelling and garden are located at a lower level than Oak Hill House, and are reached via private steps which link the communal parking area in front of Oak Hill House to the application property. The main part of the rear garden to Kebony House is flat and open but the north-eastern section slopes up towards the car park, and includes a number of mature trees.
- 2.3 This part of the Hampstead Conservation Area is characterised by large residential properties, including twentieth century blocks of flats, set in extensive sloping and wooded plots. The 1960s flatted development and associated garden of Oakhill Lodge adjoin the north-eastern boundary of the application site. The north-western and south-western boundaries of the site adjoin the landscaped rear gardens of large detached properties in Redington Gardens and Redington Road respectively; these roads form part of the Redington/Froggnal Conservation Area.



*Views of garden of Kebony House looking north-east (above) and north (below)
towards site of proposed outbuildings*



3. RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 8th October 2013 under reference 2013/3812/P for the *'erection of a single storey building to the rear of Oak Hill House to accommodate 4 bedroom dwelling (C3), including communal roof garden for use by occupants of Oak Hill House, together with provision of new communal bin store, cycle storage for two cycles, one additional car parking space and landscaping works'*. This consent, which was implemented (but see below), was subject to the removal of all householder and minor operational (A-C) permitted development rights.
- 3.2 During the course of construction, various minor material amendments to planning consent 2013/3812/P were approved on 28th May 2015 under reference 2014/4197/P. These amendments included elevational changes to the dwelling, and various alterations to its curtilage including the removal of a tree.
- 3.3 Planning permission was refused on 8th September 2017 under reference 2017/3900/P for the *'construction of single storey garden room, single storey building containing sauna, outdoor plunge pool, and associated ground level terrace'*. The LPA cited two reasons for refusal, as follows:-
1. **The proposed development, by reason of its siting and excessive scale, bulk and mass would detract from the general openness of the rear garden area and appear as an incongruous form of development which would neither preserve nor enhance the character and appearance of the surrounding conservation Area, contrary to Policy H11 (front Gardens/Backland/Rear Gardens) of the Hampstead Conservation Area Statement, and policy A1 (Managing the impact of development), Policy (D1 Design) and Policy D2 (Heritage) of Camden Local Plan 2017.**
 2. **In the absence of sufficient detailing in the submitted arboricultural report, the applicant has failed to demonstrate that the proposed development would not harm the trees in close proximity to the outbuildings on site and in adjoining gardens, contrary to policy A1 (Managing the impact of development), Policy A3 (Biodiversity), Policy D2 (Heritage) of Camden Local Plan 2017, and Camden Tree Strategy, CPG1 (Section 6 – landscape/trees) and CPG3 (Biodiversity) of Camden's Supplementary Planning Policies.**

- 3.4 An appeal against the above decision was dismissed on 19th January 2018 on the basis that the application scheme was not accompanied by a bat survey. The Inspector otherwise concluded that the proposal would not harm the character or appearance of the Hampstead Conservation Area, including important trees within proximity to the site of the proposed outbuildings. A copy of the appeal decision is appended to this statement as Document 1.
- 3.5 Application scheme 2017/3900/P, which was subject to appeal, is described in this statement as “the refused scheme”.

4. THE APPLICATION PROPOSALS

- 4.1 This householder planning application seeks consent for two, single storey ancillary buildings to be constructed in the north-eastern corner of the application site. The two small outbuildings, which would be constructed close together, would provide for new incidental functions for private use by the residents of Kebony House. The application scheme is a re-submission of the refused scheme, albeit the application documentation now also includes an Ecological Appraisal & Ground Level Bat Roost Assessment.
- 4.2 The main garden room would provide a south-facing internal space for use as an art studio or home office, with a small area for storage. The smaller adjacent structure would be used as a sauna. A small outdoor plunge pool would be located within a deck in the narrow area between the two structures. The two structures would be connected via an external terrace at the same level of the garden. Each outbuilding would have a mono-pitch roof, and would feature an angled plan form which would allow for the retention of important trees in this part of the curtilage.
- 4.3 The proposed structures would use a material palette of vertically-oriented, hardwood cladding, and would incorporate simple glazed openings. It is intended to finish the garden room structure in a light shade of wood stain treatment (similar to the tone of Kebony House itself), and to use a slightly darker shade of grey timber stain for the sauna structure. The roof would be a dark grey membrane or fibreglass finish. The doors to the Sauna and side door to the garden room would be solid and clad in stained hardwood to match the exterior, making them appear discreet. Windows and glazed doors are proposed to be of silver-anodised aluminium, and the glazing is proposed to have a slightly reflective finish, to reflect the garden and the trees when seen from the garden and Kebony House.
- 4.4 The external terrace surface would be a natural stone paving to complement the existing landscaping in Kebony House garden. The joints and sub-base build-up would be permeable to allow water to permeate the soil below. The wood burning stove located in the garden room would be 'DEFRA-approved', and would require a flue outlet of approximately 150mm thickness with a height of 1.8 metres clear from the external surface of the roof. The finish of the flue would be stainless steel.

- 4.4 The proposed structures would not form a separate dwelling but rather would be for incidental use by the occupiers of Kebony House as a Garden Room and Sauna.

5. RELEVANT PLANNING POLICY

The National Planning Policy Framework (NPPF)

- 5.1 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should ensure that that developments function well, establish a strong sense of place, optimise the potential of the site, respond to local character while not preventing appropriate innovation, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Design policies should avoid unnecessary prescription of detail but should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access for new development in relation to the local area. LPAs should not impose architectural styles or tastes.
- 5.2 The NPPF states that, in determining applications, LPAs should require an applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. When considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The statutory development plan

- 5.3 The statutory development plan for the area comprises the consolidated London Plan 2016 (incorporating Early Minor Alterations 2013 and Further Alterations 2015/16), and the Camden Local Plan which was adopted in June 2017. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the development plan unless material considerations indicate otherwise.

The London Plan

- 5.4 Policy 7.4 states that development should have regard to the form, function and structure of an area, place or street, and the scale, mass and orientation of buildings. Design should be a high quality and human scale that has regard to existing context. Policy 7.6 states that development should protect residential amenity, and should be of the highest architectural quality including details and materials that need not necessarily reflect local character. Policy 7.8 states that development affecting heritage assets should conserve their significance by being sympathetic to form, scale, materials and architectural detail. Policy 7.19 states that development proposals should protect biodiversity interests.

The Camden Local Plan

- 5.5 The following policies of the Camden Local Plan, as summarised, are considered to be relevant to the issues raised by this appeal:-

- Policy A1 seeks to ensure that development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- Policy A3 states that the Council will protect and enhance sites of nature conservation and biodiversity, including protected habitats and species. The Council will resist proposals which may threaten the continued wellbeing of trees and vegetation, and will require retained trees to be satisfactorily protected during construction;
- Policy D1 states that the Council will require development to respect context and context, to preserve heritage assets, and to be of sustainable design and construction; and
- Policy D2 states that the Council will preserve heritage assets and their settings.

Camden Planning Guidance

- 5.6 Camden Planning Guidance (Design) (CPG1) was adopted in July 2015. The guidance states that the Council is committed to excellence in design, and schemes should consider the context of the development and its surrounding area, the design and use of the building itself, and the materials used. Proposals should preserve the character and appearance of a conservation area and other heritage assets, and should allow for the retention and protection of trees which make an important contribution to visual amenity including the character and appearance of a conservation area.
- 5.7 CPG1 states that development in rear gardens should ensure that the siting, scale and design of development should have a minimal impact on, and be visually subordinate to, the host garden. Buildings should not detract from the open character and garden amenity of the area, and should use soft landscaping to reduce impact. The height of development should retain visibility over walls and fences. Buildings should use appropriate materials and minimise any impact on trees, and should not obstruct water run-off and ground water flows.
- 5.8 Camden Planning Guidance (Biodiversity) provides guidance on protected sites and species in relation to development proposals including the requirement to provide a Preliminary Ecological Assessment in order to evaluate the importance of ecological features within the site.

Hampstead Conservation Area Statement (HCAS)

- 5.9 The HCAS divides the Hampstead Conservation Area into a number of sub areas. The application site is located within Sub Area 6 known as 'Branch Hill/Oak Hill'. The statement describes Oak Hill Park as having been developed in around 1850 with an informal layout of plain but substantial Italianate villas of which only No. 1 Oak Hill Park and Oak Hill House remain. Other period properties were replaced in the 1960s by flats of little architectural note. These blocks are nevertheless pleasantly arranged on the grassy slopes and among mature trees of the older gardens. Policy H11 states that rear gardens and backlands contribute to the townscape of the Conservation Area and provide a significant amenity to residents

and a habitat for wildlife. Development within gardens is likely to be unacceptable.

6. PLANNING & DESIGN ASSESSMENT

Amount of Development

- 6.1 The application proposes the construction of two small garden outbuildings for incidental residential use. The garden room would have a gross internal area (GIA) of 39.5 square metres, and the sauna building would have a GIA of 11.6 square metres. The associated external terrace would have an area 26.6 square metres.

Layout & Amenity

- 6.2 The garden of Kebony House has an area of approximately 725 square metres excluding the steps and access leading from the shared car park. Approximately 80% of this area is made up of relatively flat and open garden whereas the remaining 20% comprises sloping and wooded ground adjacent to the north-eastern site boundary. The proposed single-storey garden structures would be discretely located in the north-eastern corner of the garden within part of the wooded and sloping area. This proposed location has been selected because it offers a high level of privacy and visual seclusion. The main sliding glazed door openings would be orientated to face towards Kebony House, and on the rear elevation, a glazed window and rooflight are proposed which would face the dense tree screen in the corner of the site.
- 6.3 The proposed structures would not overlook adjacent gardens, and their low single-storey form would ensure no material overshadowing of or loss of light to adjacent gardens. The nearest neighbouring dwellings to the south are the flats within Oak Hill House, and the closest to the east are the flats at Oak Hill Lodge. In both cases, these properties are at least 20 metres away, and are located on higher ground than the proposed outbuildings. To the north-west and west, the closest properties in Redington Gardens and Redington Road are at least 45 metres and 50 metres away respectively.
- 6.4 The use of the proposed outbuildings would not be a source of noise or other disturbance for neighbouring residents, in part due to the considerable separation distances to adjacent accommodation. The outbuildings would be orientated

towards Kebony House and its garden, and the proposed uses are intrinsically low key and quiet, and of a domestic nature.

- 6.5 For the above reasons, it is considered that the application proposals would comply with Local Plan Policy A1, and would not harm the living conditions of neighbouring residents. It is noted that neither the LPA nor the appeal Inspector raised any residential amenity objections to the refused scheme.

Scale, Appearance & Landscape (Impact on Heritage Assets)

Heritage Context

- 6.6 The application site is situated within the Hampstead Conservation Area, and land to the north and west of the site falls within the Redington/Froggnal Conservation Area. No statutorily listed buildings have been identified in the immediate vicinity of the application site. The relevant heritage assets, for the purposes of this assessment, are therefore these parts of the two conservation areas including various nearby unlisted buildings of merit.
- 6.7 Oak Hill House is identified in the HCAS as an unlisted building which makes a positive contribution to the character and appearance of the Hampstead Conservation Area. This imposing, four storey villa has a rectangular plan form and its symmetrical elevations are stuccoed. The garden setting of Oak Hill House has changed in recent years following the construction of Kebony House although the latter's low scale (with a roof garden) is architecturally subordinate to the former.
- 6.8 In addition, the properties at 1, 3 and 15 Redington Gardens, located to the north-west of the application site, and 24, 26 and 28 Redington Road, located to the south-west of the application site, are identified as positive contributors to the Redington/Froggnal Conservation Area in the statement for that area.
- 6.9 The mature trees within the application site and within adjacent gardens are a significant and valued feature of both conservation areas. A number of residential properties in the vicinity of the application site have garden outbuildings.

Impact on Character & Appearance including Trees

- 6.10 The proposed outbuildings would appear only as low level, incidental buildings occupying a recessed location in one corner of the garden of Kebony House. The limited footprints of the structures and the associated external terrace would occupy just 7% out of a total garden area of Kebony House (excluding the steps and associated access path). The outbuildings would be sited at the foot of the slope of this part of the garden, and would be substantially screened by the existing trees. The compact structures would be largely concealed in the topography by virtue of their low profile and by using the undulating levels of the site. The roof profiles would follow the sloping landscape to rise and fall with the natural levels of the terrain. The existing dense tree canopy would shield the buildings in views from higher levels, and the outbuildings would be situated near the site boundary where the existing trees would afford the greatest degree of screening. By virtue of their scale and position, the outbuildings would therefore not be widely viewed even within their immediate setting, and would be of an entirely subordinate scale to Kebony House and other nearby residential buildings.
- 6.11 The design of the garden room would appear as two volumes externally, with the roof level dropping in height in the section nearest to the site's north-eastern boundary. This form would provide subtle and attractive fragmentation of the bulk, and would prevent the building from appearing too dominant, responding to the unique conditions of its context. The proposed sauna would occupy slightly higher ground but the highest point of its roof would sit below the roof level of Kebony House, as shown on drawing 0112-A. Overall, the articulation of the roof levels and internal ceiling heights would allow the buildings to follow the sloping terrain without any large protrusions in their profile. The apparent volume of the sauna building would be further limited by being partially set into the slope by up to one metre on its south-eastern elevation.
- 6.12 The very limited visual impact of the proposed outbuildings would be further subdued by the use of sensitive and appropriate external materials. These have been chosen to respond to the existing hardwood timber cladding of Kebony House and its garden. The use of stained hardwood and reflective glazing is considered entirely appropriate to the wooded, garden setting of the outbuildings.

Similarly, the use of natural stone for the external terrace would ensure that the compatibility of this feature with its garden setting. The development would have an attractive and contemporary architectural character which would blend successfully with its wooded context.

- 6.13 By way of illustration of the limited visual impact of the scheme, including the modest scale and recessed location of the outbuildings, an existing photograph of the northern corner of the application site's rear garden, and a proposed CGI view of the proposed outbuildings in their context, are provided as Document 2.
- 6.14 A detailed Tree Report forms part of planning application. The report confirms that most of the existing trees within and adjacent to the location of the proposed outbuilding contribute positively to visual amenity generally, and therefore to the character and appearance of the conservation areas.
- 6.15 The proposed plan form of the outbuildings reflects the constraints and opportunities of their wooded setting. The Architects have worked closely with the Arboriculturalist in this regard, and the locations of key existing trees inform the angled geometry of the structures. Specific offsets are incorporated to allow sufficient clear space for future tree growth.
- 6.16 The Tree Report confirms that three trees (T9, T10 & T11) are not worthy of retention. These are therefore proposed for removal, and this would provide sufficient space for the proposed development. The report also confirms that various trees will require very careful protection during construction, and that it will be necessary to hand dig all pier and ground beam foundations to ensure that no damage to tree roots occurs during construction. Subject to these provisos, the report confirms that the development can proceed without harm to the retained trees.
- 6.17 As part of the appeal against the refused scheme, the applicant lodged details of the suggested foundation design of the outbuildings. These drawings are appended to this statement as Document 3. The appeal Inspector accepted that the proposal, including the proposed foundation design, would protect important trees in the vicinity of the development subject to the imposition of a suitably

worded planning condition.

Summary of Heritage Impact

- 6.18 The scale, location, design and appearance of the proposed outbuildings would be sensitive to the setting of Kebony House and Oak Hill House, and other unlisted buildings in the vicinity. The proposal would also protect the welfare of important trees. It is therefore considered that the proposal would not harm the character or appearance of either conservation area. Compliance would therefore be achieved with Local Plan Policies D1, D2 and A3 (with regard to trees), and with HCAS Policy H11.
- 6.19 The appeal decision on the refused scheme confirmed that the proposal would be acceptable in heritage impact terms including in terms of its impact on important retained trees. The appeal Inspector stated that *'...my overall conclusion is that the proposal would not harm the significance of the conservation area. The character of the CA would be preserved'*.

Impact on Biodiversity

- 6.20 The Ecology Consultancy has been commissioned by the applicant to carry out a 'Preliminary Ecological Appraisal' comprising a Phase 1 habitat survey, a protected species assessment, an ecological evaluation and Ground Level Roost Assessment of trees. The document forms part of the current application submission. The appraisal's main findings are as follows:-
- The site comprised a residential property. The habitats present consisted of amenity grassland, two buildings, hardstanding, bare ground, introduced shrub and scattered trees. These are considered of value within the immediate vicinity of the site only (but may assume higher value where they support protected and/or notable species);
 - The site is not subject to any statutory or non-statutory nature conservation designations. There are no statutory designated sites within a 1 kilometre radius. There are eight non-statutory designated Sites of Importance for

Nature Conservation within a 1 kilometre radius, the closest of which is Branch Hill Site of Importance for Nature Conservation, 46 metres north-east of the site;

- Breeding birds – The introduced shrub and scattered trees on site have potential to support breeding birds and will be affected by the development proposals. Mitigation measures must be taken to comply with legislation and policy;
- Bats - Trees T4, T5 and T6 were assessed as providing moderate potential to support roosting bats and T1, T2 and T3 were assessed as providing low potential for roosting bats. These trees are to be retained and therefore, no further survey is required. However, sensitive lighting at the site should be employed to prevent disturbance of any bats using these trees as a roost;
- The site is a potential foraging resource for bats. However, the majority of habitats of value to foraging bats will be retained under current proposals. Therefore, it is unlikely that the development will impact local bat populations, provided sensitive lighting is employed;
- Recommendations to enhance the biodiversity value of the site in accordance with national and local planning policies comprise the inclusion of wildlife planting.

6.21 Subject to the implementation of the recommendations within the appraisal, the proposed development would therefore protect biodiversity interests in and around the application site. The applicant suggests that details of the proposed lighting to the outbuildings could be subject to a planning condition requiring the LPA's further approval prior to implementation. Compliance would thereby be achieved with Local Plan Policy A3.

Use

6.22 The application proposal is for ancillary domestic buildings located within the curtilage and serving the occupiers of Kebony House. No new planning unit or separate residential use is proposed, and the proposal therefore does not give rise

to land-use planning issues.

7. ACCESS

- 7.1 Level access from the adjacent garden would be provided to each proposed outbuilding via the proposed associated external terrace.

8. CONCLUSIONS

- 8.1 The proposed outbuildings would provide incidental domestic facilities for the occupiers of Kebony House. The use of the outbuildings would not harm the living conditions of adjoining residents, and no conflict would arise with Local Plan Policy A1.
- 8.2 The structures would be of a modest scale, and would sit comfortably and respectfully within their setting by virtue of their size, form and external appearance. Subject to the use of appropriate foundation practices, their construction would not harm the health of important trees in the vicinity. The proposals would therefore preserve the character and appearance of the application property and this part of the Hampstead Conservation Area, and compliance is achieved with Local Plan Policies D1 and D2.
- 8.3 The appeal decision on the refused scheme established unequivocally that the proposed development would be acceptable in terms of its impact on residential amenity and on heritage assets, including important trees. The only issue which remains to be considered under this re-submitted application concerns the proposal's impact on biodiversity interests. The submitted Preliminary Ecological Appraisal, which has been prepared by qualified professional consultants, confirms that, subject to appropriate safeguards, the proposal would not harm habitats or species within and in the vicinity of the application site. Therefore, no conflict arises with Local Plan Policy A3.
- 8.4 The proposal is therefore considered to constitute sustainable development compliant with the development plan, the NPPF and relevant local planning guidance.
- 8.5 The applicant looks forward to early dialogue with the case officer, and to the favourable determination of this planning application.

CHRISTOPHER WICKHAM ASSOCIATES
May 2018

The following documents are provided in separate appendices:-

1. Appeal decision APP/X5210/D/17/3190488 dated 19th January 2018;
2. Photograph (CF-129-SK-1711-002) of northern corner of garden of application site, and CGI view (CF-129-SK-1711-003) of proposal in this context;
3. Plans (CF-129-SK-1709-001 section RevC, CF-129-SK-1709-002 RevB structural-base, and CF-129-SK-1709-003 sauna-slab) showing indicative foundation design for the proposed outbuildings.