



PLANNING STATEMENT

49 FITZJOHN'S AVENUE, LONDON, NW3 6PG

June 2018

DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Tel: 020 7004 1700
Fax: 020 7004 1790

CONTENTS

1.0	INTRODUCTION	2
2.0	THE SITE AND SURROUNDING AREA	4
3.0	THE PROPOSED DEVELOPMENT	7
4.0	PLANNING POLICY CONTEXT	9
5.0	PLANNING ASSESSMENT	11
6.0	SUMMARY AND CONCLUSIONS	18

APPENDIX 1 – PRE-APPLICATION RESPONSE (13 JANUARY 2015)

1.0 INTRODUCTION

- 1.1 This report has been prepared by DP9 Ltd ('DP9') on behalf of Jetty Properties Limited ('the Applicant') in support of a planning application for the proposed additional floor, at third floor level, to provide a single residential apartment ('the Proposed Development') at 49 Fitzjohn's Avenue, London, NW3 6PG ('the Site').
- 1.2 This Planning Statement has been completed in order to explain the nature of the Proposed Development and fully assess the proposed development against relevant planning policy and demonstrate its acceptability.

The Scheme

- 1.3 The application seeks Planning Permission for the proposed development, which includes an additional floor at third floor level to provide an additional 149.2 sq.m GIA residential (Class C3) floorspace, creating 4-bed duplex apartment (with the fourth bedroom being within the existing roof storey at fourth floor level), as part of the wider building, as extended through a recent planning consent.
- 1.4 The proposed additional floor is considered to be of a sustainable and high quality design and an appropriate response to the character of the existing building, the Site and immediate area, expressly recognising the Conservation Area setting.

The Planning Application

- 1.5 The planning application has been submitted to London Borough of Camden Council ('LB Camden') in full and seeks planning permission for the following development:

"Single-storey infill extension to existing residential building, and associated external alterations."

1.6 The Planning Application comprises of the following:

- Application Forms and Ownership Certificates;
- Application Plans and Drawings (June 2018) prepared by Oakley Hough;
- Design & Access Statement (June 2018) prepared by Oakley Hough;
- Planning Statement (June 2018) prepared by DP9; and
- Heritage Statement (June 2018) prepared by Heritage Collective.

1.7 Against this background, this Statement provides an overview of all aspects of the proposed development and an assessment of its appropriateness against the Development Plan and other material considerations. The scope of this Statement is as follows:

- Section 2 describes the Site, the main features of the surrounding area and the Site's planning history.
- Section 3 describes the main components and features of the Proposed Development.
- Section 4 outlines the relevant planning policy context of the Site and the Proposed Development
- Section 5 sets out a planning assessment of the proposed development against policy requirements.
- Section 6 provides a summary and our conclusions on the Proposed Development.

2.0 THE SITE AND SURROUNDING AREA

- 2.1 The Site extends to 1,269 sq.m (0.1269 ha) and comprises a three storey (plus basement) residential building with an 'in-out' driveway and car parking area to the front and a private garden, with access from the lower ground floor to the rear. The property is currently vacant, owing to the ongoing building work associated with the August 2016 planning permission to extend the property and convert it to 6no. self-contained 2, 3 and 4-bed apartments (see planning history section in this Statement for further detail).
- 2.2 The Site is located on Fitzjohn's Avenue, which runs north to south from Hampstead to Swiss Cottage. This section of Fitzjohn's Avenue is predominantly residential. To the south of the Site (47 Fitzjohn's Avenue) is St Mary's School, Hampstead an independent preparatory school for ages 3 – 11. The building, which is Grade II listed, extends to four storeys above ground and is a similar red brick building to the application Site. To the north of the Site is 51 Fitzjohn's Avenue, a residential building of up to four storeys above ground comprising a series of private apartments. Further detail of the Site and these adjacent and other nearby properties of relevance is included in the Design & Access Statement and the supporting plans and drawings submitted as part of this planning application.
- 2.3 The Site is located within the Fitzjohn's Netherhall Conservation Area (FNCA), described as being "*dominated by Fitzjohn's Avenue running through the centre...*", and this being a "*mature avenue ... [where the] generous width and length of the road and numerous detached houses make it the most prominent street of the area*" (FNCA Statement, March 2001). Further detail on the Conservation Area and the role of the Site in the context of Fitzjohn's Avenue is included later in this Planning Statement and within the other supporting documents, namely the Heritage Statement.
- 2.4 The Site is easily accessible by public transport being within walking distance of Hampstead, Swiss Cottage and Belsize Park underground stations and

Finchley Road & Frognal and Finchley Road overground stations. The nearest bus stops to the Site are located on Fitzjohn's Avenue and these primarily support local services. As a result, the Site has a Public Transport Accessibility Level (PTAL) of 4, albeit adjacent to plots within the 5 and 6a categories (6b being the highest).

Site Planning History

- 2.5 The original and early applications relating to the Site are not available on LB Camden's online planning applications portal. The below applications represent those that are available and that are of relevance to the proposed development.
- 2.6 Planning permission was granted in April 2014 for the change of use of the Site from a convent (associated with the neighbouring school) to a single dwellinghouse (LB Camden ref: 2013/6477/P).
- 2.7 In August 2016, planning permission was granted (to the Applicant) for "*the conversion of single family dwellinghouse to 6 no. self-contained flats; erection of a 3 storey rear extension; removal of single storey side extension; and associated alterations*" (LB Camden ref: 2015/5379/P). This permission has been implemented and works are substantially progressed. The scheme approved here is considered to represent the existing condition in terms of this current planning application.
- 2.8 As part of pre-application discussions relating to the August 2016 approved development, the Applicant presented a scheme which also included a two-storey extension to the property, at third and fourth floor level. In LB Camden's written response (dated 13 January 2015), it was concluded that this was "*not supported as they [the extensions] would be unsympathetic, too large and have a harmful impact on the existing roof design*". As such, the Applicant removed these from the scheme which was ultimately submitted, approved and implemented. This current application, seeking a single storey

extension at third floor level only, responds to the detailed comments of this pre-application response, a copy of which is at *Appendix 1*.

- 2.9 A recent section 73 application was approved in June 2018 securing a minor material amendment post implementation to the August 2016 planning permission, changing approved elevational treatments (LB Camden ref: 2017/4895/P).

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The proposed development is introduced in Section 1 of this Planning Statement, with additional information in the application plans and drawings and Design & Access Statement submitted as part of this planning application.
- 3.2 As set out, the proposals relate to an additional floor, at third floor level, to provide 4-bedroom duplex apartment (with the fourth bedroom being within the existing roof level storey at fourth floor level). This will introduce an additional 149.2 sq.m GIA of Class C3 floorspace.
- 3.3 As set out in Section 2 of this Planning Statement, the Applicant engaged LB Camden as part of a formal pre-application request relating to the approved conversion and extension scheme, resulting in the written advice dated 13 January 2015 (LB Camden ref: 2014/6571/PRE). At this time the scheme included a two-storey roof extension (at third and fourth floor levels, below a reconstructed roof which would have been at fifth floor level) which following feedback was not taken forward as part of the subsequent planning application, granted planning permission in August 2016. The following written feedback was given in response to the proposed two-storey extension (this is taken from the written advice, included in full at Appendix 1 of this Statement).

“the proposed two storey roof extensions are also not supported as they would be unsympathetic, too large and have a harmful impact on the existing roof design.

As outlined in [now replaced policy] DP25, developments in conservation areas should preserve and enhance the character and appearance of the area. Given the scale, siting and design of the proposals it is not considered that they would preserve or enhance the character of the conservation area. It is considered that the proposal would be out of keeping with the area and detract from the host property, the conservation area and the roofscape. Therefore, the proposed extensions are not acceptable in this form in principle”.

- 3.4 Noting this response and since the August 2016 permission being granted, the Applicant has sought to address concerns raised in relation to the vertical extension of the building and this is reflected in the proposed development. The proposed single storey extension to the existing (as approved) building has been informed by extensive townscape and heritage work, with a Heritage Statement, prepared by Heritage Collective, submitted in support of this planning application. In particular, this Report provides a detailed justification for the proposed extension and the level of impact / degree of harm on the setting and character of the Conservation Area and the adjacent listed building.
- 3.5 As presented in the supporting Design & Access Statement, the proposed single storey extension has been carefully designed to ensure a high-quality addition to the existing (as approved) residential building, ensuring that it reflects and responds to the design principles of the parent building, including through the retention of the roofscape of the original building. The height and the detailed design of the additional floor (including window sizes) have been dealt with sympathetically and are intentionally subservient to the existing floors below (in accordance with CPG1 guidance).
- 3.6 As with the August 2016 approved scheme, the proposed development will ensure the preservation of the amenities of neighbouring properties and will provide a high standard of residential accommodation for future occupiers of the additional apartment. As part of the wider building, the proposed development would incorporate sustainable design and construction measures.
- 3.7 Again, as with the August 2016 approved scheme, the proposed development is considered to be acceptable in principle by virtue of the provision of residential floorspace and the creation of an additional 'family unit', in line with policy aspirations and wider housing delivery imperatives.

4.0 PLANNING POLICY CONTEXT

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This statutory duty is repeated at paragraph 11 of the NPPF. The development plan for the Site, to which significant weight can be attached, comprises the London Plan (March 2016) and the Camden Local Plan (July 2017) ('the Local Plan').
- 4.2 A draft version of the new London Plan was recently published (December 2017) with public consultation running through to March 2018. It is anticipated that a new London Plan will not be in place until the middle of 2019 and, as a result, only limited weight is able to be afforded to it at this stage
- 4.3 A number of other documents have been published in support of the Local Plan and London Plan. Those that have informed the design and the assessment in Section 5 of this Statement are set below:
- Camden Planning Guidance (CPG) 1 – Design (LB Camden, March 2018 update)
 - Interim Housing CPG (LB Camden, March 2018)
 - Character and Context Supplementary Planning Guidance (GLA, June 2014)
- 4.4 In addition, LB Camden has published a Conservation Area Statement for the FNCA, published in February 2001. This is referred to further in this Statement and in the supporting Heritage and Townscape Report, prepared by Heritage Collective.
- 4.5 In March 2014, the Government launched the Planning Practice Guidance ('PPG') as an online web-based resource that is regularly updated. This is a

material consideration in planning decisions. Relevant parts of the current PPG are referred to in Section 5 of this Planning Statement.

Planning Policy Overview

- 4.6 The Site is located on an established residential street, itself being in existing residential use. The proposed additional floor providing residential floorspace is supported in national, regional and local policy in line with wider strategic objectives to boost housing delivery and to optimise the use of sites, expressly to achieve increased housing numbers.
- 4.7 The primary planning consideration relates to design, specifically the appropriateness and therefore acceptability of the proposed extension in terms of its setting within the FNCA and adjacent to a Grade II listed building. In this regard, the proposed development is considered against relevant policy and guidance.
- 4.8 Section 5 sets out an assessment of the proposed development and demonstrates that it complies with relevant parts of the development plan and other material considerations, including the NPPF.

5.0 PLANNING ASSESSMENT

- 5.1 This section outlines an assessment of the proposed development against the planning policy context identified in Section 4. Reference is made to the Design & Access Statement, plans / drawings and Heritage Statement submitted in support of the planning application where more detail can be found.

Decision-Making Approach

- 5.2 The development plan, on the basis that it can be afforded full weight, forms the primary consideration for the planning application. This should be assessed alongside the NPPF, to which significant weight should also be attached. The approach to assessing the proposed development should be based on the proposals and whether it accords with the development plan; if it does, then it has the benefit of the statutory presumption in section 38(6) of the 2004 Act. If not, then it is necessary to consider whether there are any other material considerations, such as the NPPF, which indicate that the planning application should be determined otherwise than in accordance with the development plan. As to the NPPF, it is informative to consider whether the proposed development constitutes sustainable development and will thus benefit from the NPPF paragraph 14 presumption in favour of granting planning permission.
- 5.3 As to this latter point, the proposed development represents sustainable development for reasons which are summarised below:
- **Economic Role:** the proposed development will not harm the building of a strong, responsive and competitive economy through the development of an existing and established residential site. There is a strategic drive to deliver additional housing (on a local, regional and national level) and this can help “to support growth” (NPPF paragraph 7) through the maintenance of housing supply to meet demand associated with job

creation and investment opportunities. As such the proposals are considered to be consistent with the NPPF and specific strategic parts of the Development Plan.

- **Social Role:** the proposed development will make a series of contributions helping maintain a strong, vibrant and healthy community. The proposed development, through the design approach adopted, creates a high quality built extension to the existing building, ensuring the integrity and the quality of the building and streetscene is upheld. The design also effectively acts as catalyst to future quality and sensitive investment in the area, as appropriate and in accordance with other development management considerations. Furthermore, the design of the additional floor – as part of the wider building - ensures that it is inclusive and accessible to all. The scheme also meets identified local housing needs through the provision of further residential accommodation, suitable for occupation by families. This accords with relevant parts of the NPPF and the Development Plan, including London Plan Policy 3.2, 3.3, 3.4, 3.5, 3.8, 3.9 and 7.2 and Local Plan Policies H1 and H6 in particular.
- **Environmental Role:** the proposed development will contribute towards the protection of the natural environment through the optimised use of the site in an accessible and sustainable location. The historic and built environment will be protected and preserved due to the design approach taken in considering the streetscene, the FNCA and adjacent listed building. As such the proposed development is consistent with Chapters 8 and 11 of the NPPF and a number of development management policies, discussed later, in the adopted Development Plan. The proposals are also consistent with design policies set out in the Development Plan and the NPPF.

5.4 Having established that the proposed development represents sustainable development, this assessment now turns to specific development management matters of relevance, these being:

- Appropriateness of proposed use;
- Design approach; and
- Townscape and Heritage considerations.

Appropriateness of Proposed Use

- 5.5 The site is on an established residential street and as stated in this Statement, the proposed development involves an additional storey to an existing residential building. The principle of the proposed development is therefore considered to be acceptable in this location in land use terms.
- 5.6 The provision of additional residential floorspace is consistent with strategic aims, nationally, regionally and locally, in terms of the delivery of housing. NPPF paragraph 47 looks to boost housing supply and paragraph 49 explicitly supports housing applications. Furthermore, London Plan Policies 3.3 and 3.4 target increasing housing supply and optimising housing output on sites, respectively. Local Plan Policy H1 targets “*maximising the supply of housing*” identifying an expectation for sites to accommodate the “*maximum reasonable provision of housing*”. The proposed development is compliant with and supportive of these overarching planning policy drivers.
- 5.7 On a more specific note, the proposed development is consistent with the policy requirements and guidance in relation to design standards and amenity standards. Further information is provided in the Design & Access Statement in this regard.
- 5.8 The scheme provides just one additional residential unit and as such no affordable housing is proposed.
- 5.9 Against this background, the proposed development complies with the requirements of the NPPF and the Development Plan in terms of delivering an appropriate residential use in a sustainable location and helping support strategic national, regional and local housing ambitions.

Design Approach

- 5.10 An important planning consideration is whether the proposed development is considered to be acceptable in terms of design, paying particular regard to the immediate surroundings, the local context and notably the setting which in this case relates most pertinently to key heritage assets (see further discussion under Townscape and Heritage Considerations to follow in this assessment).
- 5.11 The design and layout approach of the proposed development is outlined in the submitted plans and drawings and Design & Access Statement (prepared by Oakley Hough) which present the layout, scale and appearance of the proposed development. Detailed elevational drawings have also been prepared and show the proposed fenestration and materiality of the additional floor.
- 5.12 Recognising national and local policy requirements and guidance, the scheme has been carefully designed to; respond to the specific constraints, and opportunities, of the site, including the important elements of the parent building; respect the local character and context of the its surroundings, (notably the FNCA and adjacent listed building); and meet the needs of the Applicant in providing a viable and deliverable scheme capable of securing the benefits associated with the proposals.
- 5.13 The proposed development has accordingly been designed to achieve the objectives of Sections 7 and 12 of the NPPF. In particular, the proposals are considered to optimise the potential of the site (paragraph 58), whilst responding appropriately to local character and history (ibid.).
- 5.14 In designing the scheme, the architects have undertaken a thorough approach to understanding and reflecting or complimenting local character, both in terms of size, scale and design detail. As such, the proposed development is consistent with London Plan Policy 7.4 (being informed and influenced by the existing building and surrounding historic environment), and Policy 7.6 (being of the highest architectural quality and optimising the potential of the site).

- 5.15 Considering LB Camden policies, the proposed development complies with Local Plan Policy D1, on the basis that it represents *“high quality design”*; *“respects local context and character”*; *“comprises details and materials that are of high quality and complement the local character”* (including the parent building); and which *“provides a high standard of accommodation”*. Policy D1 seeks to resist development of poor design, which clearly the proposed development is not.
- 5.16 The evolution of the scheme, in design terms, has been responded to comments made by LB Camden as part of earlier pre-application engagement, satisfying Paragraph 66 of the NPPF which states that this should result in the presented scheme being *“looked on more favourably”*. Referring to PPG, these earlier pre-application discussions have been used to *“inform and influence the design”* of the proposed development (paragraph: 033 Reference ID: 26-033-20140306).

Townscape and Heritage Considerations

- 5.17 Further to the assessment of the design approach more generally, the NPPF is clear that heritage assets (namely the FNCA and adjacent listed building) are to be conserved *“in a manner appropriate to their significance”* (paragraph 126). In a similar vein, PPG is then clear that *“an unlisted building that makes a positive contribution to a conservation is individually of lesser importance than a listed building”* (Paragraph: 018 Reference ID: 18a-018-20140306). As required by paragraph 128 of the NPPF, the accompanying Heritage Statement (prepared by Heritage Collective) provides a description of the significance of these assets, and assessment of the impact of the proposed development.
- 5.18 The Heritage Statement says that, in terms of the Conservation Area, *“...the defining aspect of the conservation area’s significance is the range of substantially scaled properties set within generous grounds. The built form of the street [Fitzjohn’s Avenue] dates to a broadly similar period, and are improved by the large mature trees and vegetation lining the wide streets. The combination of such components equates to an imposing streetscape with a*

distinctly suburban character” (paragraph 51). The Heritage Statement goes on to say that, *“overall it is the combination of relatively well intact large properties dating mainly date to the late nineteenth century in a variety of styles and all of high design quality which provides the principal source of the conservation areas interest. The undulating topography and tree-lined grid of streets affording long views are also significant”* (paragraph 70).

5.19 In terms of the adjacent listed building, the Heritage Statement says that *“... the special architectural and historical interest of the listed building hails from its impressive façade with late nineteenth-century detailing, its substantial proportions, and its use of materials”* (paragraph 63), adding that, *“no. 49 Fitzjohn’s Avenue is considered to make a positive contribution to the significance of the listed building through a broadly mutual historical and architectural relationship which sees the two buildings built during the same decades”* (paragraph 66).

5.20 Given the location of the Site and the nature of the proposed development, the additional storey has been carefully and purposefully designed to avoid harm to the significance of such designated heritage assets (including their setting). Detailed design techniques (including proportions, articulation and materiality) have been employed to ensure that the proposed single storey infill extension responds appropriately and positively to parent building and the setting of designated heritage assets. The Heritage Statement demonstrates that the proposed development *“will cause at most a very low level of less than substantial harm”* to the FNCA (paragraph 98), and no material harm to the adjacent listed building.

5.21 In conclusion the Heritage Statement reports that, *“taking into account the criteria within the SPG on roof extensions and the issues outlined within the Conservation Statement, the careful design has minimised the effects, addressing the objections raised to the previous pre-application proposal for a two storey extension and will secure one new residential unit with minimal impact”* (paragraph 98).

- 5.22 Local Plan Policy D2 guides development in Conservation Areas, reiterating national requirements that they must “*preserve, or where possible, enhance[s] the character and appearance of the area*”, adding that LB Camden “*will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas*”.
- 5.23 The FNCA Conservation Statement refers to a series of development types that represent potential ‘current issues’ affecting the Conservation Area (pp.36-37). Two of these are considered to be of relevance in terms of the assessment of the proposed development. Firstly, the Conservation Statement identifies that proposed extensions can be harmful due to “*insensitive scale, design or inappropriate materials*”. On the basis that design and materials reflect and are subservient to the existing, the only relevant concern would be the scale and whether the additional floor is insensitive. This was raised in the 2015 pre-application request as a reason for LB Camden’s objection to the two storey extension and as such the reduced single storey, carefully designed to relate to the proportions of the existing building, addresses this. Further detail, specifically in relation to the matter of harm to heritage assets, is provided in the supporting Heritage Statement. The second ‘issue’ referred to in the Conservation Statement relates to physical roof alterations, with the examples given being the use of poor materials, intrusive dormers, and inappropriate windows. On the basis that the proposed development restores and re-provides the existing roof (both in terms of style and materiality), it is considered to be appropriate in this regard.
- 5.24 In light of this assessment, the proposed development is acceptable when considered against the NPPF (paragraphs 126 - 134); development plan policies, notably London Plan Policy 7.8 and Local Plan Policies D1, and D2; and relevant guidance. It is also in accordance with the requirements on LB Camden under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

6.0 SUMMARY & CONCLUSIONS

6.1 The proposed development represents a positive investment in the area through the provision of additional residential floorspace, designed to meet local housing requirements and need. Moreover, it delivers a high quality design approach, representing an appropriate response to the character of the Site and immediate area, recognising the location of the site within the FNCA and adjacent to a Grade II listed building.

6.2 The proposed development presents a clear opportunity to deliver the following economic, social and environmental benefits

- Help to deliver sustainable development in line with the NPPF and facilitate delivery of residential floorspace to meet required local housing needs.
- Provision of sustainable and high quality design changes and associated improvements, representing a sympathetic and appropriate response to the character of the Fitzjohn's Netherhall Conservation Area.
- Investment in a building on this important street within the Fitzjohn's Netherhall Conservation Area to help ensure its long-term use and preservation.
- Provision of high quality residential accommodation suitable to meet the needs of the local housing market and contribute to meeting wider housing delivery targets.
- Building upon the accessible location with an existing good level of public transport and pedestrian and cycle accessibility in an established residential location.

6.3 For the reasons set out in this Statement and other supporting material, it is plain that the proposed development accords with the development plan (when read as a whole). Accordingly, it benefits from the statutory presumption set out in section 38(6) of the 2004 Act. Moreover, this material also demonstrates that the proposed development comprises sustainable development within the

meaning of the NPPF, such that it engages the presumption set out in paragraph 14. This strongly reinforces the policy support for the proposed development. It follows that, upon any application of section 38(6) of the 2004 Act, planning permission should be granted for the proposed development without delay.

APPENDIX 1 – PRE-APPLICATION RESPONSE (13 JANUARY 2015)

Date: 13th January 2015

Our ref: 2014/6571/PRE

Contact: Nanayaa Ampoma

Direct line: 020 7974 2188

Email:

Nanayaa.ampoma@camden.gov.uk

Tel: 020 7974 2188

Fax: 020 7974 1680

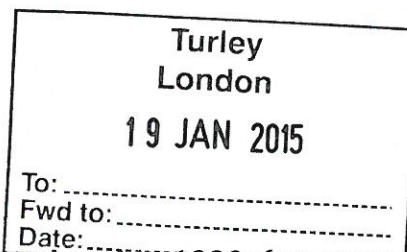
planning@camden.gov.uk

www.camden.gov.uk/planning

Mr. Craig Slack
The Charlotte Building,
Gresse Street
London
W1T 1QL

By email

Dear Mr Slack,



Town and Country Planning Act 1990 (as amended): Pre-Application for the demolition of part of the property at 49 Fitzjohn's Avenue and the rebuilding of the rear, also associated basement works and conversion of property into residential units.

I refer to our pre-application meeting held on 12th November 2014 regarding the above proposal. Set out below is a detailed note of the principal issues discussed at the meeting, advice on planning obligations and what you need to do in order to submit a valid planning application for your proposal.

The application site relates to a large red brick building in the Fitzjohn's Netherhall Conservation Area. The site shares a boundary with no.47 St Mary's School, Hampstead and was originally used in conjunction with the school for the housing of nuns from the Congregation of Jesus until late 2013. The property is built over four floors and benefits from a basement. There is a large garden to the rear of the site. The property is not listed however no.47 is a Grade II Listed Building and the property is located within a conservation area.

The application site has already been given planning permission under planning reference 2013/6477/P for the change of use from a convent (Sui Generis) to a single dwelling house (C3).

PROPOSAL

What is being proposed under this pre application is:

- The demolition of the rear of the property and its rebuilding;
- The addition of a further two stories to the height of the property
- Basement extension;
- and the creation of 12 X flats (8 x two Bed units; 2 x Three bed units; 2 x four bed units)

HISTORY

2013/6477/P: Change of use from a convent (Sui Generis) to a single dwelling house (C3)– **Granted, Section 106 on 11-04-2014**

2013/1952/P: Use as a dwelling house (Class C3). – **Withdrawn**

RELEVANT POLICIES:

National Planning Policy Framework (2012)

The London Plan (2011)

LDF Core Strategy and Development Policies

Core Strategy (2010)

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

CS19 Delivering and monitoring the Core Strategy

Development Policies (2010)

DP2 Making full use of Camden's capacity for housing

DP3 Contributions to the supply of affordable housing

DP4 Minimising the loss of affordable housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP9 Student housing, bedsits and other housing with shared facilities

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP19 Managing the impact of parking

DP22 Promoting sustainable design and construction

DP24 Securing High Quality Design

DP25 Conserving Camden's Heritage

DP26 Managing the impact of development on occupiers and neighbours

Supplementary Planning Policies

Camden Planning Guidance 1 Design

Camden Planning Guidance 2 Housing

Camden Planning Guidance 3 Sustainability

Camden Planning Guidance 6 Amenity

Camden Planning Guidance 7 Transport

Camden Planning Guidance 8 Planning Obligations

Fitzjohn's Netherhall Conservation Area Statement (2010)

ASSESSMENT

Land use

The principle to use the property for residential use has already been established and deemed to be acceptable under application 2013/6477/P.

Design

The main concern with the proposal relates to the design and scale of the works to the building and the proposal to demolish.

Serious concerns have been raised as to why the proposed demolition is necessary, especially as this element of the development contradicts the conservation area appraisal. The Fitzjohn's Avenue Conservation appraisal highlights the importance of the roofs in the area. It also recognizes Fitzjohn's Avenue as providing a scale, topography and architecture that is "*powerful*" (p:15). Also, the document goes on to describe the area as the most prominent street in the conservation area. Therefore the proposed demolition of the rear of the property does not seem justified or necessary and is not supported as it would have a detrimental impact on the property and the area.

In relation to the proposed rear and roof extensions policy DP14 requires that developments of this kind meet the required space standards. These are details within supplementary guidance CPG 2. Issues on general design are also detailed within policies CS14, CS5 of the Core Strategy and policy DP24 of the Development Policies. This is expanded in supplementary guidance CPG1.

Policies CS14 and DP24 state that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standard in terms of the character, sitting, context, form and scale to the existing building and the general area. Policy CS5 (Core Strategy) states that the Council will only give permission for developments that respect the character and appearance of the area.

The proposed rear works would introduce several new balconies, increase the height of the property and significantly alter the roof scape of the property, which as stated above is recognised as a positive contributor in the area. The proposed extensions would create a significant bulk and massing to the rear and height of the property. It would increase the footprint of the property as well as its overall size by around eighty percent. The grounds of the site is large and perhaps there is some scope to development an extension of some kind, however the proposed five storey rear extensions would represent an unacceptable enlargement of the property as it would destroy the property's current structure and historic value. Additionally, the proposed fenestration is very different to the existing and is unsympathetic in its scale and general design by way of its windows, size, scale, stepped design and roof design.

The proposed two storey roof extensions are also not supported as they would be unsympathetic, too large and have a harmful impact on the existing roof design.

As outlined in DP25 developments in conservation areas should preserve and enhance the character and appearance of the area. Given the scale, siting and design of the proposals it is not considered that they would preserve or enhance the character of the conservation area. It is considered that the proposal would be out of keeping with the

area and detract from the host property, the conservation area and the roofscape. Therefore, the proposed extensions are not acceptable in this form in principle.

In relation to the proposed basement works, CPG 4 on (Basements and Lightwells) states that the Council will only permit basement developments that do not cause harm to the built and natural environment and local amenity; result in flooding; or lead to ground instability. The proposal includes basement excavations to the lower ground floor of the existing property. The suitability of this will firstly be based on the supporting documents establishing that the development would not adversely affect the structure of the building. In light of this, you will be required to submit a Basement Impact Assessment (BIA) and as the development is in a conservation area a management plan for demolition and construction will also be required. Please note that it is likely that we would look to have the details submitted under the BIA independently assessed so please make this as robust as possible.

The proposed basement is also considered to be too large. It is the Council's normal practice to only allow basement developments that go beyond the original property footprint (at the rear) by no more than half the original property footprint. Therefore a reduction would be preferred. Subject to the above requirements there are no significant issues with the proposed basement works.

Standard of accommodation

The proposal to convert the property into eleven flats is subject to the acceptability of the proposed extensions, without them the proposed number of flats would be clearly impractical and would represent an over intensive use of the site. The conversion is also subject to the development meeting the minimum standards of accommodation.

In line with policies CS5, CS6, CS14 of the Core Strategy and policies DP6 and DP26 of the Development Plans, supplementary guidance CPG 2 (section 4) provides details on the required residential development standards as highlighted in the London Plan for all new residential units. The Council has established its own requirements, which includes the following: all rooms in basements must have a height level of at least 2.1-2.3 metres; all one bed flats should have a minimum space of at least 32sq metres; all first and double rooms must be 12sq metres or more in line with the London Plan standards. In the event of a formal application please ensure that the development meets these requirements otherwise it will automatically be refused on these grounds.

Affordable Housing

The provision of affordable housing relates to policies CS1 and CS6 of the Core Strategy and DP1 DP3, DP4 and DP5 of the Development Policies. Further guidance on how the calculations are made and the payments are collected can be viewed in supplementary guidance CPG2 and CPG8.

The threshold for the provision of affordable housing as part of a development is set out in greater detail on page 7 of CPG2. The development the subject of this pre application meets the criteria for those development required to make affordable housing contributions because it would provide a residential development adding 1,000 sq m gross, also because it would lead to the creation of more than 10 units (see policies DP1 and DP3).

A proportion of these units, normally up to 50% (depending on the type and amount of new units), are required to be given over for affordable housing. Additionally, these provisions should be made on site.

You are encouraged to contact the Housing Commissioning and Partnerships Team to discuss the Council's current priorities on affordable housing. In line with the Council's sliding scale method the current pre application proposed development would be required to provide around 12% affordable housing on site.

Amenity

Under planning guidance CPG 6 (amenity), all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life for existing and future occupiers, as well as neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.

It is noted that the application site shares a boundary with nos.47 and 51 Fitzjohn's Avenue.

The neighbouring property at no.51 Fitzjohn's Avenue already benefits from several balconies, however at present these are not over looked by balconies at the site. The proposal would create a significant number of additional overlooking to the garden areas and school properties. Although I note that you will be demolishing the side connecting extension, the additional overlooking may pose security issues for the school. Therefore, unfortunately, at this stage it is not possible to fully consider the impact on amenity if any, for this element of the scheme because it would require viewing the development from neighbouring properties or receiving comments from these properties. There may be additional amenity concerns identified during the course of the formal application.

Please note that the above comments on amenity do not represent a full and formal assessment of the amenity impacts on the development as neighbours have not been consulted and may present their own objections. As such these comments may be altered during the formal application.

Sustainability

Camden Core Strategy Policy CS13, paragraph 13.9 expects development or alterations to existing buildings to include proportionate measures to be taken to improve their environmental sustainability, where possible. All buildings, whether being updated or refurbished, are expected to reduce their carbon emissions by making improvements to the existing building. Work involving a change of use or an extension to an existing property is included. As a guide, at least 10% of the project cost should be spent on the improvements.

Where retro-fitting measures are not identified at application stage we will most likely secure the implementation of environmental improvements by way of condition. Sustainable measure are an important part of the application and should be given due consideration before submission stage.

Additionally, Policies DP6 and DP22 of the Development Policies require that sustainable practices are woven into the design of all developments and where possible Lifetime Homes have been considered and wherever possible a rating of “very good” for the BREEAM Refurbishment scheme is achieved. As the proposal is for more than five units you will be required to submit an Energy Assessment and a BREEAM Refurbishment pre construction review.

You will also be required to submit a Lifetime Homes statement as part of the validation process. This statement should clearly demonstrate that all sixteen points have been considered.

Highways

The Council as a Highways Authority has recognised that there are significant pressures on the current parking facilities throughout the borough, especially in dense residential areas close to Town Centres. In the interest of sustainable transport practices, the Council has established highways policies that strongly discourage the use of private motor vehicles and aim to control any future unnecessary increase in off street parking (CS11 – Core Strategy, also DP16, DP17, DP18, DP19, DP22 – Development Policies).

In the event the application is submitted for formal approval it is likely that the Council will be seeking the completion of a Section 106 Agreement for Car Free and a Construction Management Plan (CMP). This is required to ensure that the development does not create added pressure on the public highway.

Under policy CS11, cycle storage that is covered and secure should be provided at a ratio of 1 space per unit (with an extra space for 3+ bed units), with 1 space per 10 units for visitors (or part thereof). In line with this policy, it will be required that as part of the proposed development 2x cycle storages are provided and identified on the submitted plans. Should the development be submitted formally this will be secured under condition if not submitted as part of the proposal.

As the development would create more than five additional units we would also look to secure contributions pertaining to open space and education.

CONCLUSION:

The proposal to increase the housing stock and provide new family units is welcomed. However the proposed part demolition of the property and redevelopment is not supported as it would lead to the destroying of a property that is considered a positive contributor to the conservation area.

The development is also not supported in its current form, because of the proposed height increase, added bulk, additional footprint, two storey roof extension and general design. Lastly, although an initial assessment was undertaken in relation to the impact of the development on nearby residential amenity, this is subject to the formal consultation period as this may highlight loss of privacy issues that were not realised at the time of the pre application site visit.

OTHER MATTERS

The application is likely to be liable for S106 or CIL. Please see [CPG 8 Planning obligations \(PDF 1.3MB\)](#) and

S106 Requirements

Having considered the pre application details it is likely that contributions will be sought by way of a S106 as the development will be considered a major application. Given the details submitted, the below contributions/requirements will be sought via S106:

- Construction Management plan
- Education contributions towards education provisions. Contributions will not be sought for single bedroom or studio dwellings, as these are unlikely to provide accommodation for children. See CPG 8 page 23.
- Community facilities i.e libraries and indoor sports halls. See CPG 8 page 26
- Contributions towards healthcare dependent on consultation with healthcare bodies in the area.
- Highways contributions especially towards the construction process
- Public Transport: The Council is likely to require the development to be Carfree and secured via S106. Contributions towards existing facilities may be sought subject to consultation with Highways. Cycling facilities will also be required.
- As the proposal includes more than 5 residential dwellings, a contribution towards public open space will be required; however the amount will be confirmed at application stage. See table in CPG 8 page 60 for further information.

Specific S106 figures have not been given at this time and will be formally calculated at the time of decision. The above detailed S106 requirements are based on the details submitted as part of the preapplication. Depending on any modifications to the scheme some may no longer be relevant.

Community Infrastructure Levy (CIL)

Given the proposal includes the provision of new residential accommodation the development would be liable to pay the Mayoral CIL, based on the floorspace of the residential space. Within Camden the CIL contribution is calculated at £50 per m².

Please also be advised that the Camden CIL will come into effect in March 2015. Further advice can be found on our website.

Planning application process and supporting information

Please ensure that you submit all the required information in accordance with the validation checklist, details of which can be obtained from the council's website:

This is likely to include:

- Full Planning Application form
- Basement Impact Assessment
- CIL form
- Lifetime Homes Statement
- Design and Access
- Demolition/Construction Plan
- Site plan
- Plans
- Sections
- Elevations
- BREEAM Assessment
- Energy Statement

If you have any queries about the above letter, please do not hesitate to contact **Nanayaa Ampoma** on **0207 974 2188**.

Please note that any opinion given in this letter is that of an Officer of the London Borough of Camden and does not reflect the view of the Council. This letter does not constitute a formal planning decision, nor should it be interpreted as a formal confirmation that your application will be acceptable, it also does not constitute a Certificate of Lawfulness and is without prejudice to further consideration of this matter by the Development Control section or to the Council's formal decision. This document represents the Council's initial view of your proposals based on the information available to us at this stage only.

Thank you for using Camden's pre-application advice service.

Yours Sincerely

Nanayaa Ampoma
Planning Officer – West Area Team