

Appendix 3 – Delegated Report in respect of a previous application

Delegated Report		Analysis sheet	Expiry Date:	07/01/2016
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Zenab Haji-Ismael			2015/6278/P	
Application Address			Drawing Numbers	
15 Lyndhurst Terrace London NW3 5QA			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition of existing house to provide a new dwelling including the excavation of a basement.				
Recommendation(s):	Refused			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	16	No. of responses	12	No. of objections	10
Summary of consultation responses:			No. electronic	00		
	<p>Objections to the application was received from the following addresses.</p> <p>13 Lyndhurst Terrace, Judith Serota, Sir Nicholas Serota, Top floor – 19 Thurlow Road, 19 Thurlow Road, 8a Thurlow Road, 13 Lyndhurst Terrace, David Immanuel and 17 Lyndhurst Terrace.</p> <p>Design</p> <ul style="list-style-type: none"> • Overdevelopment of the site • Loss of a sympathetic house which is a positive contributor • The proposed terrace is too dominant • The existing house has been left to deteriorate so it could be demolished and rebuilt • Negative impact on the character of the conservation area • The garden would be reduced as a result of the basement • There is an increase in height and size • Would result in the loss of a significant gap between the buildings • No public benefit – does not provide any additional housing <p>Amenity</p> <ul style="list-style-type: none"> • The terrace would result in overlooking <p>Basement</p> <ul style="list-style-type: none"> • Large basement for this plot • Would result in subsidence and flooding • Would have an impact on the tree root protection • The mature chestnut would be at risk • The mature birch which had a TPO was felled without permission • All trees from the garden have been removed <p>Supporting comments from 28 Thurlow Road</p> <ul style="list-style-type: none"> • Current building unattractive, poorly designed, does not sit within the conservation area • Proposed plans sympathetic to the conservation area • Will create a quiet house which will be an improvement • Fine mature chestnut looks to be in poor condition 					

**CAAC/Local groups*
comments:**

*Please Specify

The Heath and Hampstead Society (twice)

- Object to the demolition of the house
- Object to the significant increase in height
- Basement would ruin chances of replanting
- The form, massing and architectural details are disappointing. No positive form is proposed. Too many varied elements. The proportions of the windows are discordant bearing no relationship to adjoining houses.
- The translucent cast glass would lead to unacceptable levels of light pollution not appropriate in the Conservation Area
- The mature birch was illegally felled
- Insufficient care taken to the fine lime tree in the adjoining garden or Chestnut tree next door which makes a contribution to the CA

Redington and Frognal CAAC

- Object to the loss of trees due to basement and car parking
- The mature Chestnut should not be endangered by the excavation
- The decay could actually be positive for the preservation of the tree
- The historical significance of the medlar tree five feet away from the excavation has not been recognised
- The building is excessive for the plot
- More soft landscaping should be incorporated into the proposal

Site Description

The site is located on the western side of Lyndhurst Terrace. The existing house comprises a modest two storey yellow brick building built sometime in the late 1960s. The existing building features large glazed windows at first floor level. The site sits within the Fitzjohn's and Netherhall Conservation Area and is noted as making a positive contribution to the Conservation Area.

The site is described in the conservation area statement as "fitting better in the streetscape" than its neighbours, nos 9 and 11. It is said to be "a narrow brick and glass building, built in the 1960s" (p26). The Conservation Area statement mentions that "there is also some 20th century re-development that contributes to the character of the area as it is today" (p32).

Relevant History

No relevant planning history

Relevant policies

LDF Core Strategy and Development Policies

The National Planning Policy Framework 2012

London Plan (2015):

3.5 (quality and design of housing developments);
5.3 (sustainable design and construction);
6.3 (assessing effects of development on transport capacity);
6.9 (cycling);
6.10 (walking);
6.13 (parking);
7.3 (designing out crime);
7.4 (local character)
7.6 (architecture).

Core Strategy:

CS1 (distribution of growth);
CS3 (other highly accessible areas);
CS5 (managing the impact of growth and development)
CS6 (providing quality homes);
CS11 (promoting sustainable and efficient travel);
CS13 (tackling climate change through promoting higher environmental standards);
CS14 (promoting high quality places and conserving our heritage)
CS15 (protecting and improving our parks and open spaces and encouraging biodiversity)
CS17 (making Camden a safer place);
CS18 (waste / recycling)
CS19 (Delivering an monitoring the Core Strategy)

Development policies:

DP2 (making full use of Camden's capacity for housing);
DP3 (contributions to the supply of affordable housing)
DP5 (homes of different sizes);

DP6 (lifetime homes and wheelchair housing);
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);
DP23 (water)
DP24 (securing high quality design);
DP25 (Conserving Camden's Heritage);
DP26 (managing the impact of development on occupiers and neighbours);
DP27 (Basements and lightwells)
DP28 (noise and vibration)
DP29 (improving access)
DP31 (provision of, and improvements to, public open space and outdoor sport and recreation facilities)

Fitzjohns and Netherhall Conservation Area (2001)

Camden Planning Guidance:

Camden Planning Guidance (CPG) 2011 – CPG 6, 7 and 8
Camden Planning Guidance (CPG) 2015 – CPG 1, 2, 3 and 4

Assessment

Proposal:

Planning permission is sought for the demolition of the existing house which is a positive contributor in the Fitzjohns and Netherhall Conservation Area to be replaced with a 2.5 storey house. The proposal includes the excavation of a basement. The proposed development seeks to maintain the modest form of the existing building. The existing parking provision on the front drive would remain.

The principle considerations material to the determination of this application are summarised as follows:

- Principle of redevelopment
- Quality of residential accommodation
- Conservation
- Design
- Neighbouring amenity
- Basement
- Trees
- Sustainability
- S106

Principle of Redevelopment

Paragraph 129 of the NPPF states...

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The site is currently occupied by a modest two storey yellow brick house of a modest scale which is noted as a positive contributor in the Fitzjohn and Netherhall Conservation. The proposal seeks to demolish the existing single family dwelling house and replace it with a single family dwelling house which would include the excavation of a basement. The proposal would result in the total loss of a positive contributor in the Conservation Area. Paragraph 135 of the NPPF states that...

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The existing building, 15 Lyndhurst Terrace, is located within the Fitzjohns and Netherhall Conservation Area (sub area 2) and is identified in the Conservation Area Appraisal and Management Strategy (CAAMS) adopted by the Council in 2001, as making a positive contribution to its character and appearance. NPPF paragraph 138 states that

loss of a building that makes a positive contribution to the significance of a conservation area should be treated either as substantial harm under paragraph 133 or less-than-substantial harm under paragraph 134.

Policy DP25 outlines a clear presumption in favour of retaining buildings that make a positive contribution to the character and appearance of a conservation area; their loss will only be acceptable where "exceptional circumstances are shown that outweigh the case for retention."

The proposal put forward no exceptional circumstances that outweigh the loss of the positive contributor.

No. 15 may also be considered a non-designated heritage asset. The proposal does not sustain and enhance the significance of the non-designated heritage asset (NDHA) and fails to explore viable uses that would be consistent with its conservation. Camden Planning Guidance 1 (Design) there is a presumption in favour of retaining NDHAs. The redevelopment proposal would result in the total loss of the heritage asset. No public or planning benefit has been demonstrated by the proposal and therefore the principle of redevelopment is unacceptable.

Quality of Residential Accommodation

The proposed dwelling would provide a good standard of residential accommodation for a single family dwelling house. The space and layout of the rooms would provide a good level of comfort to future occupiers and could easily be adapted in compliance with Part M of the building regulations.

Conservation

Contribution of the existing building

15 Lyndhurst Terrace is noted as a positive contributor to the conservation area on p.33 of the CAAMS. In its overview of positive contributors to the special character and appearance of the conservation area, the CAAMS notes "20th century re-development that contributes to the character

of the area as it is today” (p.32). The current building at 15 Lyndhurst Terrace – “a narrow brick and glass building, built in the 1960s” – is described as “fitting better in the streetscape” than its neighbours Nos. 9 and 11, both also 1960s infill buildings, which are unsympathetic in terms of design, scale and detail” (p26).

The detailed design, massing and use of materials at the existing No. 15 are characteristic of many modern houses built in the north of the Borough in the same period, and create a substantially more architecturally interesting and original composition than other nearby mid-twentieth-century buildings, such as Nos. 9 and 11. In this way it makes a contribution of historic interest to the conservation area as an exemplar of a phase of its urban development in addition to its architectural and townscape qualities. Unlike No. 11, No. 15 does not fill its infill site, but rather uses a modest scale and to sit respectfully in the settings of its immediate neighbours, allowing the plot to serve as an historically verdant gap in the imposing streetscape. Its use of yellow brick complements the variety of brickwork and colour found in the terrace while the verticality created by its fenestration responds to the larger scale of its imposing neighbours. The quality of its design, especially as it sits in its plot and addresses the street, contrasts markedly with No. 9.

Impact of the proposed development

The proposed development would set-back development at first-floor level to the rear, representing a reduction in existing bulk there. This considerate massing is offset however by the addition of new height to the front elevation and in the middle reaches of the buildings, making the proposed development less responsive to its context and so a less successful piece of infill. The proposed development would fill more of the plot in height, mass and footprint than the existing house, and so be a more prominent feature of the conservation area than the existing building, substantially extinguishing the streetscape gap.

Because of the additional prominence, it is critical that the design of the proposed development is of the highest quality. The materiality of the proposed development, especially the use of a 1.8m screen in Linit glass at high level, is insufficiently in-keeping with the prevailing character of this part of the conservation area, and contribute to the unsympathetic visual impact that the proposed development’s bulky additional volumes would have on the appearance of Lyndhurst Terrace and Thurlow Road. The proposed window design is acknowledged to respond carefully to those in its Victorian neighbours, but is not considered to make a substantial improvement on the existing house in this respect.

Other detailed elements of the proposed development would also fail to conserve or enhance the character or appearance of the conservation area: the street contains several boundary treatments noted in the CAAMS for their contribution, and the serious impact of unsympathetic boundary treatments is identified as a local priority on p. 36, but the proposed development’s introduction of a new solid vehicular access gate obscuring views of the house – notwithstanding the welcome proposed repairs to the existing wall – is considered likely to further harm the situation on Lyndhurst Terrace. The applicant proposes a welcome restoration of soft landscaping to the front of the site, however, the increase in footprint as a result of the basement will permanently limit the capacity of the plot to host mature trees altering its historically verdant character.

On p. 27 of the CAAMS, the view west up Thurlow Road towards Heath House (13 Lyndhurst Terrace) is noted for its local importance, and No. 15 contributes to this view at present, and the proposed development would appear more prominently still. On p. 34 of the CAAMS, the importance of the vista looking north along the terrace is noted twice through reference to the streetscape contribution made by the gates to Elm Bank, and the important private trees in the gardens of Elm Bank which close the vista. The proposed development, by erecting of a 2-storey mass projecting forward of the line of the front of the current building, would impose itself in this vista and obscure views of Elm Bank itself, a fine Victorian gabled detached house and positive contributor.

Design

The proposed development is a modern house, which proposes some elements of architectural interest and makes some attempts to acknowledge the narrowness of the plot. Given the total loss proposed of the positive contributor however, any proposed replacement building must preserve and enhance the character and appearance of the conservation area to an appreciably greater extent. The proposal would result in additional massing to the front elevation which would detract from the modest and careful scale of the existing house. The prominent 2.5 storey element in Linit glass makes little architectural contribution and will appear as a visually dominant sheer mass.

Amenity

Policy DP26 states the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The proposed dwelling has been designed carefully to mitigate overlooking, overshadowing and loss of outlook of the neighbouring properties.

The terrace that is proposed would be enclosed by 1.8m of linit glass and therefore would not result in direct overlooking into the properties of neighbouring occupiers.

Basement

The site sits within an area of hydrological constraints which include slope stability and ground water flooding. The proposal includes the excavations of a basement. A basement impact assessment was carried out and the auditor concluded that the basement impact assessment submitted by the applicant indicated there would be an increase in impermeable area. No measures have been identified to mitigate the impact on surface and groundwater flow. Any permission would require clarification on the impact of the basement this respect.

In the absence of the information verifies, in full the impact of the basement does not cause harm to the natural and built environment, the proposed basement is considered to be unacceptable. Any successful application would need to have demonstrated how the proposal would not impact the built and natural environment.

Tree

A tree preservation order was in place on a mature birch that was felled approximately three years ago without permission.

The proposed scheme involves excavation approx. 3.5m away from T1, an off-site mature horse chestnut tree situated in the front garden of no. 17 Lyndhurst Terrace which is a property neighbouring the application site. T1 is subject to a tree preservation order (TPO) ref. 21H-T49. The tree survey submitted with the application identifies T1 as category U in with BS5837:2012 due to its poor condition with a life expectancy of less than 10 years.

The T1 is situated on the neighbouring property, its alleged poor condition does not by default justify excavating in the RPA of T1 where there could be significant roots. Whilst it is possible the boundary wall has acted as a root barrier to some degree, this has not been confirmed. Trials pits along the proposed line of excavation have not been carried out to ascertain the level of root encroachment of T1 across the property boundary into the application site which would allow the potential impacts of the proposals on T1 to be assessed.

The arboricultural report submitted with the application recommends felling and replacing the horse chestnut. The owner of the T1 has submitted an objection to the proposal which includes an arboricultural report commissioned by the neighbour which also raises concerns over the effect of the proposed excavations on T1. The report submitted in objection categorises T1 as cat. C not cat. U and suggests that there is another tree at no. 17 Lyndhurst Terrace, a Eucryphia, which have not

been included in the applicant's arboricultural report. It is considered that the applicant has not fully assessed the impact of the scheme on the trees on neighbouring sites and therefore is considered unacceptable.

Sustainability

A statement has been included in the submitted Design and Access Statement which sets out a range of measures that would be included to meet Part L of the building regulations (2013).

Transport

Policies DP16 (The transport implications of development), DP17 (Walking, cycling and public transport) and DP18 (Parking standards and limiting the availability of car parking) seek to support sustainable modes of transport by limiting use of private cars and managing the impact of construction.

The proposal involves demolition and the redevelopment on a site located in a sensitive residential area. In the absence of a legal agreement securing a construction management plan (CMP) to manage the movement and size of vehicles, the proposal is considered unacceptable. If the proposal was considered acceptable, a clause requiring a CMP to be submitted would be secured by a S106 legal agreement. A clause would also be included within the S106 legal agreement requiring a contribution towards making good any damage to the public highway adjacent to the site.

The site falls within a PTAL rating of 3 which is considered to be good. Any successful application would be required to submit details of cycle parking spaces at ground floor level. The proposal would be required to provide cycle parking in accordance with table 6.3 of the London Plan. If the proposal was considered acceptable, details of cycle parking spaces would have been sought by way of condition.

Recommendation: Refuse planning permission on the following grounds:

- 1) Principle of redevelopment
- 2) Conservation
- 3) Design – bulk and detailed design
- 3) Insufficient basement information
- 4) Absence of S106 to secure CMP
- 5) Absence of S106 to secure a highways contribution
- 6) Loss of tree