

Appendix 4 – Pre-application written advice from the Council

Martin Harradine

From: Phillips, Kate <Kate.Phillips@camden.gov.uk>
Sent: 07 November 2016 14:58
To: Martin Harradine
Subject: 2016/4281/PRE - 15 Lyndhurst Terrace

Dear Mr Harradine,

Re: 2016/4281/PRE - 15 Lyndhurst Terrace, London, NW3 5QA - Erection of replacement dwelling (following refusal of planning application 2015/6278/P)

Thank you for submitting the above pre-application request with the required fee on 28/07/2015 and for visiting the office for a meeting on 04/10/2016. Please see the comments below:

Constraints

Fitzjohns Netherhall Conservation Area

TPO Tree – Mature Birch tree

Underground development constraints (Bagshot Beds)

Underground development constraints (Slope stability)

Underground development constraints (Subterranean groundwater flow)

Relevant planning history

2015/6278/P - Demolition of existing house to provide a new dwelling – Refused 11/02/2016

Reasons for refusal:

- 1. The proposed demolition by reason of the loss of the existing building which makes a positive contribution to the Fitzjohn and Netherhall Conservation Area would cause harm to the character and appearance of the conservation area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 2. The proposed development, by reason of its massing, footprint and detailed design would fail to preserve or enhance the character and appearance of the Fitzjohn and Netherhall Conservation Area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 3. The applicant has failed to demonstrate that the proposed basement would avoid adversely affecting drainage and run-off or causing other damage to the water environment and avoid cumulative impacts upon the structural stability and/or the water environment in the local area contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
- 4. The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users, and be*

detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

5. *The proposed development, in the absence of a legal agreement to secure contributions towards public highway works and public realm and environmental improvements would be likely to harm the Borough's transport infrastructure, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy DP16 (The transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden LDF Development Policies.*
6. *The proposed development by virtue of the basement excavation would result in harm to the root protection area of a mature chestnut tree in the front garden of 17 Lyndhurst Terrace which would impact upon the visual amenity and character of the conservation area contrary to policies CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

Pre-application comments

Principle of development

- The previously refused application at the site (see above) would be a material planning consideration in the determination of any future applications at the site, and any proposal to demolish the existing building and replace it with another would have to overcome all of the previous reasons for refusal.
- As discussed at the meeting, it may be possible to overcome refusal reason nos. 3-5 and possibly reason no. 6 relatively straightforwardly (i.e. by submitting the relevant documents for assessment and/or by signing up to a section 106 legal agreement); however, the key issue is still the loss of a building which is considered to make a positive contribution to the character and appearance of the Fitzjohns Netherhall Conservation Area.
- Paragraph 138 of the NPPF states that: “*Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate*”.
- Both paragraphs 133 and 134 note that harm to the significance of a heritage asset, whether it be designated (i.e. Fitzjohns Netherhall Conservation Area) or non-designated (i.e. the positive contributor) must be weighed against the public benefits of the proposal.
- In this case, we do not consider there to be any public benefits associated with the scheme (there would be no net gain in dwellings, the development would only benefit the applicant) and therefore the principle of development is unacceptable and you are advised against submitting another planning application to replace the existing dwelling on this basis.

Notes on positive contribution

- The application building is specifically identified within the Fitzjohns and Netherhall Conservation Area Statement (FNCAS) as making a positive contribution to the character and appearance of the conservation area.
- In your pre-application report you set out the reasons why you do not consider the building to make a positive contribution to the conservation area; and at the meeting you asked us to justify why we consider the building to make a positive contribution.
- Notwithstanding the fact that the building is specifically identified as making a positive contribution in the FNCAS, and that the Council's previous refusal at the application site sets out our position, we identify the following qualities of architectural, historic, townscape and social interest in the building, which make up its positive contribution to the character and appearance of the Conservation Area:
 - The building is singled-out in the FNCAS as an example of C20th infill development and as such it is characteristic of the post-war development in the Conservation Area, yet provides a notably more imaginative and successful response to its site and context than nearby near-contemporaries;
 - The building was designed by a well-known architect, Ted Levy, who had some associations with the Conservation Area and more with the wider Borough, and though not his best work, is an increasingly rare survival, and the commissioning original occupiers of the house bring some interest through their own reputations and as residents in many ways typical of the Hampstead society which reshaped the built fabric of the Conservation Area and wider Hampstead during the C20;
 - Externally, notwithstanding any perceived limitations of its internal layout and functionality, the architecture of the building has merit as an architect-designed modernist house using brick, timber and glazing and an esoteric combination of forms and proportions to create an interesting, contextual and modest detached dwelling;
 - The building contributes to the rhythm of the street scene (e.g. large buildings interspersed with small buildings) and it helps to preserve the sense of a gap between the larger C19th buildings;
 - The smaller size of No. 15 also allows No. 17 Lyndhurst Terrace and its setting (an attractive, Victorian house in the end plot with prominent gables and chimneys) to be viewed and fully appreciated from the street corner and as part of the street scenes along Lyndhurst Terrace or Thurlow Road.
- I would like to reiterate our assertion that the building is small and tucked away as part of its designed and intended character, and that this is a critical part of its contribution to the Conservation Area; this building was never designed to stand out or be overly prominent in the street scene along Lyndhurst Terrace. The building was designed to be discreet and we consider that it provides a welcome contrast with the 'louder' buildings in the area.

Other considerations

Notwithstanding the fact the principle of development is unacceptable, the following considerations would also be taken into account in the determination of any future planning application:

- Design and the impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area)
- Living standards of future occupiers
- Impact on visual and residential amenities of nearby and neighbouring properties
- Transport
- Sustainability
- Basement considerations

- Trees and landscaping

Design and the impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area)

- The application site is within the Fitzjohns Netherhall Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990.
- As discussed above, the loss of a building which is considered to make a positive contribution to the character and appearance of the Fitzjohns Netherhall Conservation Area would have a harmful impact on the character and appearance of the area, which is unacceptable and any future application is likely to be refused on this basis.
- At the meeting we briefly touched on the proposed design of the replacement building, and as Alfie noted, it was good to hear the rationale behind the latest design.
- The reduced mass and bulk compared to the refused scheme is welcomed, although it is noted that the replacement building would still be larger than the existing and would therefore have more of a presence in the street scene.
- The fact the replacement building would be set further forward in the plot (i.e. closer to the road edge) would also give it more presence in the street scene – whereas the front building line of the existing building is set in line or behind that of No. 13 (giving it a subservient appearance), parts of the replacement dwelling would extend further forward than No. 13, which would impact adversely on the relationship between Nos. 13 and 15. To my mind, this would weigh against the proposal because the deferential building line of the application building is part of its careful contextual design, and sets up a relationship between the buildings of different ages which is part of their positive contribution to the character of the Conservation Area here.
- The fact the front corner of the building is angled to allow views over towards No. 17 (the detached Victorian building to the other side) is welcomed, although the replacement building would still project further forward than the existing and the angled front corner is harder and more severe than the curved frontage at the existing building. I also believe this would weigh against the proposal.
- The proposed use of brick, which is the predominant material in the conservation area, is welcomed.
- As discussed at the meeting, we believe that the proposed contemporary design has architectural merit; however, the principle of replacing the existing building is not supported as the loss of a building which is considered to make a positive contribution to the character and appearance of the conservation area would have a harmful impact on the conservation area.
- We do not consider that outstanding design of a replacement dwelling would constitute a public benefit to outweigh the abovementioned harm to the conservation area (rather this is a requirement of the Act). Therefore there remains no public benefit justification which would outweigh the harm caused by the demolition and the proposals remain unacceptable in principle. To be clear, officers do not consider that there are likely to be **any** circumstances where the principle objection could be overcome by proposals for residential re-development of the site.

Living standards of future occupiers

- It is considered that the replacement dwelling would provide a good standard of accommodation for future occupiers.

Impact on visual and residential amenities of nearby and neighbouring properties

- It is not considered that the replacement dwelling would cause undue harm to the visual and residential amenities of nearby and neighbouring properties by way of visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels; or noise and vibration.
- I note that the main window in the main living area (ground floor) would be angled towards No. 13 Lyndhurst Terrace. Any formal planning application would therefore need to be accompanied by evidence to prove there would be no undue overlooking into this property's rear garden (for example, details of existing or proposed boundary treatment on the shared boundary)
- Policy DP28 notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Given the constraints of the application site and the nature of the works, the Council is likely to seek the submission of a Construction Management Plan, which would be secured by a section 106 legal agreement.

Transport

- The application site has a Public Transport Accessibility Level (PTAL) rating of 3, which means it is relatively well served by public transport.
- Policy DP18 seeks to ensure that developments provide the minimum necessary car parking provision. It appears that the proposal would result in a reduction in the number of car parking spaces on site, which is welcomed.
- In accordance with The Further Alterations to the London Plan 2015, the new dwelling would require 2 cycle parking spaces. If you submit a formal planning application you will need to provide details of cycle parking storage, which complies with the guidance in chapter 9 of CPG7 ([Link to guidance](#))
- Policy DP20 (Movement of goods and materials) seeks to minimise the impact of the movement of goods and materials by road. As noted above, given the constraints of the application site and the nature of the works, the Council would be likely to seek the submission of a Construction Management Plan, which should address the removal of demolition debris from the site and the delivery of construction equipment and materials.
- The Council would also be likely to secure a financial contribution towards making good any damage to the public highway adjacent to the site, as part of the legal agreement.

Sustainability

- Policy CS13 notes that the Council will require all development to take measures to minimise the effects of, and adapt to, climate change and the policy encourages all development to meet the highest feasible environmental standards that are financially viable during construction and occupation.
- Policy DP22 requires development to incorporate sustainable design and construction measures and it requires the incorporation of green or brown roofs, wherever suitable.
- Policy DP23 requires developments to reduce their water consumption, pressure on the combined sewer network and the risk of flooding
- Paragraph 22.4 of the LDF Development Policies notes that the possibility of sensitively altering or retro-fitting buildings should always be strongly considered before demolition is proposed. In your pre-app report you note that the existing dwelling dates from between 1970-1979. Therefore, in line with Policy DP22, the proposal to demolish and replace the dwelling

must be fully justified in terms of the use of resources and energy, and the energy and water efficiency of the existing and proposed buildings.

- As part of a formal application, you would need to demonstrate how sustainable development principles have been incorporated into the design and proposed implementation. The use of a green roof at the front of the building is welcomed.
- You are advised to refer to Policy DP22 of the Camden Development Policies and the accompanying text, as well as CPG3 (Sustainability). [Link to Planning Policy documents](#)

Basement considerations

- As part of a formal application you would be required to submit a Basement Impact Assessment (BIA).
- The following underground development constraints apply at the application site: Bagshot Beds, Slope stability, Subterranean groundwater flow. As such, an independent audit of the BIA would be undertaken by Campbell Reith, which must be paid for by the applicant (more information, including the audit instruction form and the audit process terms of reference can be found here: [Basement development](#)).
- At each stage in the process the person(s) undertaking the BIA process should hold qualifications relevant to the matters being considered. The Council will only accept the qualifications set out in paragraph 2.11 of CPG4 (page 10) ([Link to Camden Planning Guidance](#))

Trees and landscaping

- The previous application was refused partly on the basis of potential harm to the root protection area of a mature chestnut tree in the front garden of 17 Lyndhurst Terrace. Any future application would need to overcome this reason for refusal.
- A revised Tree Survey and Arboricultural Impact Assessment would be required as part of a formal application. Until this is provided, it is not possible to comment on whether or not I believe this particular reason for refusal can be overcome. It may be the case that the basement needs to be revised in order not to cause harm to the root protection area of the chestnut tree.
- The proposal to provide more soft landscaping at the front of the site is welcomed.

Conclusion and suggestions

The loss of a building which makes a positive contribution to the Fitzjohn and Netherhall Conservation Area would cause harm to the significance of designated and non-designated heritage assets and there are no public benefits that would outweigh the harm caused. The proposal is therefore contrary to the guidance in the NPPF and the Council would not support the principle of development. You are therefore advised against submitting a formal planning application to demolish and replace the dwelling. Officers do not consider that there are likely to be *any* circumstances where the principle objection could be overcome by proposals for residential re-development of the site.

Instead, as discussed at the meeting, we strongly recommend that you consider refurbishing the building internally. The building is not listed and therefore you could remove internal walls and reconfigure the internal environment to better suit the needs of the new owner without the need for planning permission. Alternatively, you could explore options to sensitively extend the existing building, which we would be happy to comment on. These suggested approaches would both be more sustainable.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

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

Kind regards

Kate Phillips BA Hons MSc MRTPI
Senior Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

Telephone: 0207 974 2521
Web: camden.gov.uk

Floor 2
5 Pancras Square
London N1C 4AG

Please consider the environment before printing this email.

From 1 October 2016 you will not receive a letter from us if your neighbour submits a planning application. You can still find out about planning applications:

- on new improved posters on lamp posts
- by signing up to [planning e-alerts](#)
- in the planning section of the [Camden Account](#)
- through adverts in the Camden New Journal and Ham & High

You can [sign up](#) to our new and improved planning e-alerts to let you know about new planning applications, decisions and appeals.

This e-mail may contain information which is confidential, legally privileged and/or copyright protected. This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and delete the material from your computer.