

Appendix 5 – Delegated Report in respect of the application the subject of this appeal

Delegated Report		Analysis sheet	Expiry Date:	28/06/2017
		N/A	Consultation Expiry Date:	17/08/2017
Officer			Application Number(s)	
Kate Henry			2017/2471/P	
Application Address			Drawing Numbers	
15 Lyndhurst Terrace London NW3 5QA			Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Replacement two storey residential dwelling with basement, following demolition of existing dwelling; associated works				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	33	No. of objections	14
					No. of support	15
Summary of consultation responses:	<p>A site notice was displayed on 24/05/2017 (expiry date 14/06/2017) and a notice was placed in the local press on 25/05/2017 (expiry date 15/06/2017). Following the submission of revised plans, a further site notice was displayed on 27/07/2017 (expiry date 17/08/2017).</p> <p>14 letters of objection have been received from the following addresses [13 Lyndhurst Terrace, London; 17 Lyndhurst Terrace, London; 19 Lyndhurst Terrace, London; Flat 9, Newmount, 11 Lyndhurst Terrace, London; 19 Thurlow Road, London; 20 Thurlow Road, London; The Garden Flat, 21 Thurlow Road, London; 72 Fitzjohns Avenue, London; 112 Gilbert House, London; 9 Wharton Street, London; 4 Paper Buildings, London; 30 Queens Road, Hertford; (Address Not Provided x2)].</p> <p>The comments are summarised as follows:</p> <ul style="list-style-type: none"> • Existing property makes positive contribution to character and appearance of conservation area • Proposal is harmful to the conservation area • Overdevelopment of the plot • Replacement dwelling is significantly larger in floor space terms • Replacement dwelling too bulky • Blocking gaps to either side of house • Trying to cram too much additional volume onto site • Historic importance of dwelling (including famous architect and ex-residents) • Scale and elegance of Ted Levy designed house with gardens at front and rear • No public benefit to the proposal (no additional housing units, solely benefits the developer) • Basement is too large / will set harmful precedent • Impact of basement on neighbouring properties • Basement likely to cause flooding / subsidence problems in the local area and to neighbouring properties • Impact on veteran Horse Chestnut tree at 17 Lyndhurst Terrace • Loss of biodiversity / very little greenery on resultant plot (all covered with buildings / hardstanding) • Harmful impact on neighbours – intrusive • Disruption during construction period, including difficulties of accessing the site during construction • House has been purposefully neglected over the years so that it now appears derelict <p>15 letters of support have been received from the following addresses [28 Thurlow Road, London; 45a Netherhall Gardens, London; 34 Heath Drive, London; 84 South Hill Park, London; 13 Lambolle Road, London; 1 Lower Terrace, London; 17 Oakhill Avenue, London; 43 Pilgrim's Lane, London; 15 Rudall Crescent, London; 1 Regent's Park Terrace, London; 34 Well Walk, London; 2a Strathray Gardens, London; 38 Pilgrim's Lane,</p>					

London; (Address Not Provided x2)]

The comments are summarised as follows:

- Existing building is an eyesore / out of place in street scene / no architectural merit
- Existing building is of poor quality fabric and detailing (with heat loss) and not worthy of significant expenditure
- Proposed architecture thoroughly compatible with surroundings / respectful / modest / Hampstead area feature lots of unique buildings such as this Scheme represents improvement to conservation area
- Contemporary, beautiful, innovative design
- Existing building is unsustainable
- Scale and massing of replacement building is sympathetic to surroundings
- Proposed design likely to win architectural awards
- Revised proposal makes better use of space

Hampstead CAAC

Objection:

- Demolition of a positive contributor to the CA must not be permitted. The degree of harm to the CA potentially created by demolition and the proposed replacement is high and is not compensated by any public benefit.
- The physical presence of a positive contributor building is not the only factor. As important, we think more so, is the social heritage which underpins the character of Hampstead. The existing house was occupied by Sir Nicholas and Baroness Serota the major support base of the arts. 'Development' must not be allowed to obliterate such invaluable local social heritage and value.
- The proposal threatens the large mature tree in the neighbouring property 17 Lyndhurst Terrace, proposing excavation and building within its TPZ, which is unacceptable.
- The proposal closes the gap between buildings and boundary which is damaging to the required visibility between buildings of mature trees. The clinging to the boundaries is an unnecessary, apparently dominating and even greedy threat to the CA.
- The proposed new basement is 70% of the whole site i.e. 40% over Camden's June 2017 policy's over-generous and inexplicable limit of 50%.
- Local springs (Spring Walk is directly on the application site's western boundary) and neighbours' water ingress are recorded past problems and a tanked and blocking basement will again distort groundwater movement at the very point at which original water-course(s) can be catastrophically re-directed.
- The proposal demonstrates excessive mass and bulk for the site and streetscape, causing further harm to the area and CA.
- There remains only 15% of the plot area as planting area if the proposed extent of hard landscaping were to be allowed.
- The applicant and his architect contacted HCAAC after submitting the planning application, rather than offering prior consultation. However, it is HCAAC's experience that developers simply use prior consultation as a box-tick, proceeding with their plans un-amended and regardless, especially if they sense favourable pre-app support.
- The proposal appears to be to build under the boundary wall of no. 17, causing terminal damage to the Victorian wall of No.17. This would undoubtedly provoke action under the Access to Neighbouring Land Act which should prevent the execution of that particular detail of this scheme. However, retention of the wall should be the priority.
- The proposed basement plan appears as either a confusion or a deliberate attempt to encroach on no. 17's land. The Victorian wall between the properties can apparently be dispensed with to accommodate the unnecessary elbowing of the proposal. The plan shows retaining walls not defined as enclosing contiguous piling or on its own as a diaphragm wall.
- There has emerged clear evidence from the neighbour's deeds that the wall between 15 and 17 is the property of no. 17 as its boundary wall, not a party garden wall.
- The replacement proposal also has clearly excessive height to add to its massing despite an obvious clue to limit to the 1st floors of the neighbouring houses. Such modification, regardless of the erroneously stated height of the existing building having much less mass than the proposal, and proper retreat from the plot side boundaries as expected in the CA should be minimum requirements

for any consent. The apparent reliance on the garage of no. 17 as alone allowing for view of rear trees is not satisfactory.

- Any proposal requires a more rigorous CMP as well as a BIA scrutinised and answered with reference to the nearby spring(s). The likely impacts of the construction on the tight street area and the site itself.

**Heath & Hampstead
Society**

Objection:

- Vigorously objects to the above application to demolish a "positive contributor " to the Conservation Area and replace it with a disproportionately large house for its site with a basement excavation of nearly 70% of the entire site.
- Impact on veteran Horse Chestnut tree at No. 17
- Too much hardstanding and contrary to car-free policy
- The proposed house is of excessive mass and bulk for the site , closing any gap at both sides of the building (north and south), blocking the street view of mature trees behind it
- Previous unauthorised removal of protected trees on site
- The existing house has double historic / conservation value. It was until 2002 the home of Dame Beatrice Baroness Serota of Hampstead, early woman Minister in Harold Wilson's historic Labour Govt. of the 1960s, first female Government Whip of the House of Lords, Deputy Speaker of the House of Lords until her death in 2002,
- Mother of Sir Nicholas Serota (of Turner Prize fame, founder of Tate Modern, Head of the Arts Council and Govt. Commissioner for Architecture) and Mother of Judith Serota (founder of the Spittlefield Festival).
- The existing house is by Hampstead (but internationally celebrated) architect Ted Levy and a rare example of his architecture for modest, unique, domestic houses. It is of the same 1960s period in which Baroness Serota's public star rose.
- 1960s architecture is at the nadir of its appreciation now but its acclaim is rising: in his day Ted Levy was just as fashionably acclaimed as Stephen Bates is now. Fashions come and go. If the existing house is demolished it will permanently destroy these historic connections with the Hampstead Conservation Area.
- The 20th Century Society support the retention of the existing house.
- We note the destruction of the award winning garden of Lady Serota, the probably illegal removal of its trees and the deliberate appearance of exterior dilapidation achieved by the would-be demolishers. The interior and structure of the house is still sound, indeed good enough to attract 4 young "luxury" tenants paying up to £200 rent each per week to lodge in the house as it is now. The back garden has even begun to recover with no help. There is absolutely no reason why the house and garden shouldn't be restored to fine condition and clear positive contribution to the CA.
- The house could be sympathetically enlarged and extended without losing its historic value or integrity.
- The vast basement excavation will result in the loss of the original Victorian brick wall of no.17 - the plans propose to undermine it completely.
- The path behind the site is called "Spring Path" because of the springs in the vicinity. A major Hampstead well is just a few houses to the south and the site's neighbours at nos. 13 & 11.Lyndhurst Tce. to the south and 19 Thurlow Rd. (opposite to the east) have all suffered water ingress problems in their old half-basements which took years to resolve. If such a vast basement and light wells are excavated and "tanked out" the water displaced must go to the neighbours. This problem would be exacerbated by the probable loss of the veteran horse chestnut at no.17 which currently must absorb an enormous amount of water from its roots.

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| | <ul style="list-style-type: none">• Contrary to Local Plan policies A1, A5, D1.• The question of whether or not the proposed house is more or less attractive than the existing is a question of fashion and taste and does not justify its demolition, nor does it fulfil the necessary requirement of being "to the public benefit": it provides no extra housing unit nor any public or environmental benefit, only private financial benefit for the owner/developer.• The proposed house is grossly over-large (two storeys high for full width of site; high two stories against boundary with No. 17; building over and under 70% of existing garden just leaving a small patio; obtrude noticeable nearer the road than the existing house)• Effect is exaggerated by its aggressive angular severe volumes• The basement is far too large• Little natural light to basement |
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<p>Thurlow Road Neighbourhood Association</p>	<p>Objection:</p> <ul style="list-style-type: none"> • Vigorously object to proposal to demolish a locally listed Positive Contributor to the Conservation Area of local and national importance and replace it with an overdevelopment of house, thrice its size with an enormous newly excavate basement under nearly three quarters of the entire plot • Overdevelopment of the site, building from boundary to boundary, closing gaps • Award winning garden been bulldozed and 3x protected trees been illegally felled • House been purposefully neglected • Previous home of Dame Beatrice Baroness Serota of Hampstead. Historic associations will be lost forever if the house is demolished. • Existing house is rare example of distinguished local (and national) architect, Ted Levy's work. • Contrary to new basement policy.
<p>Redington Frogna! Association</p>	<p>Objection:</p> <ul style="list-style-type: none"> • The proposals will result in the loss of a positive contributor and its replacement by a building of excessive bulk and mass, which will very clearly create a substantial negative impact on the Lyndhurst Terrace street scene and the Hampstead Conservation Area. • The planned replacement building also includes many other harmful features, notably a basement and lightwells, to occupy 70% of the plot area, and extending right up to (or under), the boundaries with neighbouring properties. • If the hard surface area is also included, this will lead to 85% of the plot being utilised for basement, light wells and hard surface. • It is planned to close the gaps with the neighbouring properties, thereby obscuring the view of mature trees to the rear of the property. • We note that no biodiversity-enhancing measures are planned. • The proposal includes off-street parking for two cars, whereas Camden's policy is for new developments to be car-free. • Concerned about the threat to the neighbouring veteran tree at 17 Lyndhurst terrace. • The construction of the basement will, furthermore jeopardise the original Victorian wall which belongs to no. 17 and is likely to necessitate the wall's demolition. • The current Ted Levy house meets many of English Heritage's positive contributor tests, including design by a notable, local architect; notable former residents (Baroness Serota, the first female Government Whip of the House of Lords and Dame Commander of the Order of the British Empire). • Contrary to Local Plan policies A1, A5, D1.

Site Description

No. 15 Lyndhurst Terrace is a part single and part two storey residential dwelling on the western side of the road. The building comprises a number of separate elements, each with a flat roof. The building incorporates straight and curved yellow brick walls and also features a curved, timber clad stairwell element that rises above the main roof level. On the front and rear elevations, the building features tall, timber framed glazed windows.

There is a driveway to the front of the property and a private garden to the rear. The L-shaped rear garden associated with No. 13 Lyndhurst Terrace wraps around the rear (west) of the application site.

The application site is within the Fitzjohns / Netherhall Conservation Area. The building is specifically identified within the Fitzjohns /Netherhall Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area.

The following underground development constraints apply at the application site: Bagshot Beds (hydrological); slope stability; subterranean (groundwater) flow.

Relevant 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.*

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Camden Local Plan (2017)

G1 Delivery and location of growth
H1 Maximising housing supply
H6 Housing choice and mix
A1 Managing the impact of development
A2 Open space
A3 Biodiversity
A4 Noise and vibration
A5 Basements and Lightwells
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC5 Waste
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T3 Transport infrastructure
T4 Sustainable movement of goods and materials
DM1 Delivery and monitoring

Camden Planning Guidance

CPG1 Design (2015)
CPG2 Housing (2015)
CPG3 Sustainability (2015)
CPG4 Basements and lightwells (2015)
CPG6 Amenity (2011)
CPG7 Transport (2011)
CPG8 Planning Obligations (2015)

Fitzjohns and Netherhall Conservation Area Appraisal and Management Strategy (CAAMS) (March 2001)

Assessment

1. The proposal

- 1.1. This application seeks planning permission to demolish the existing dwelling and to replace it with a two storey residential dwelling with a basement.
- 1.2. The replacement dwelling would have an irregular form and would be made up of separate elements, with quadrangular elements jutting out from the front of the central part of the building at different angles, and an irregular rear building line.
- 1.3. In total, the building would measure up to 9.4 metres wide (the entire width of the plot) and up to 16.3 metres front to back. It would measure 3.7 metres above the ground level at the front of the building and 4.3 metres above the ground level at the rear of the building (due to the difference in ground levels).
- 1.4. The proposed basement would be larger than the above-ground footprint of the building as it would incorporate a straight front (eastern) edge, as opposed to the more angular form above ground level.
- 1.5. The replacement dwelling would feature 2x lightwells to serve the basement, 1x at the front and 1x at the rear, both adjacent to the northern boundary of the application site and both irregular in shape.

2. Revisions

- 2.1. The following revisions have been made during the course of the application:
 - Revised basement construction design – reduction in width of concrete underpins and introduction of a void former on the neighbouring (No. 17) side of the footing

3. Planning considerations

- 3.1. The key considerations material to the determination of this application are summarised as follows:
 - Background / the principle of development
 - The impact on the character and appearance of the wider area (including the Fitzjohns / Netherhall Conservation Area)
 - Basement considerations
 - Trees and landscaping
 - Living standards for future occupiers
 - The impact on the visual and residential amenities of nearby and neighbouring residential properties
 - Transport considerations
 - Sustainability considerations

4. Background / principle of development

- 4.1. Planning permission reference 2015/6278/P (Demolition of existing house to provide a new dwelling) was refused by the Council on 11/02/2016 for 6 different reasons, summarised as follows:
 1. *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

2. *The massing, footprint and detailed design of the development would fail to preserve or enhance the character and appearance of the Fitzjohns and Netherhall Conservation Area*
3. *The application 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*
4. *Absence of a legal agreement to secure a Construction Management Plan*
5. *Absence of a legal agreement to secure contributions towards public highway works and public realm and environmental improvements*
6. *The proposed 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*

4.2. This application must consider whether the above reasons for refusal have been overcome, as well as considering any other relevant planning considerations.

4.3. The policy context has changed since February 2016 with the adoption of the new Camden Local Plan earlier this year (July 2017). However, the aims of the new Local Plan, insofar as they relate to the proposal, are considered to be broadly similar to those of the, now superseded, Local Development Framework.

4.4. The application site is located 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. The application building is specifically identified within the Fitzjohns / Netherhall Conservation Area Statement (FNCAS) as making a positive contribution to the character and appearance of the conservation area.

4.5. The FNCAS notes that there is a mixture of architectural styles within the conservation area and there are a high number of properties built for individual owners. In describing Sub-Area Two of the conservation area, "Rosslyn", the FNCAS notes that Lyndhurst Terrace is a short street with a dramatic junction at Lyndhurst Road. It notes that No. 11 Lyndhurst Terrace, a 1960s block of flats, is unsympathetic in terms of design, scale and detail, as is the two storey No. 9 (a residential dwelling above a sloping driveway and sunken garages). The statement then goes on to note, "*Fitting better in the streetscape is the two storey No. 15, (built in the late 1960s) a narrow brick and glass building*".

4.6. The key issue in the consideration of this application is 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, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole*".

4.7. The loss of a building which makes a positive contribution to the character and appearance of the conservation area is considered to cause less than substantial harm to the designated heritage asset (the Fitzjohns / Netherhall Conservation Area). Both paragraphs 133 and 134 of the NPPF note that harm to the significance of a designated heritage asset (i.e. the conservation area), whether it be substantial harm or less than substantial harm, must be weighed against the public benefits of the proposal. In this case, the Council does not consider there to be any public benefits associated with the proposal; for example, there would be no net gain in residential units, the development would only benefit the applicant. As such, there is no justification for the loss of the positive contributor.

4.8. Planning policies at the local level reflect the guidance in the NPPF. Policy D2 of the Local

Plan, which relates to heritage, notes that: (f) the Council will resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area. Similarly, Policy F/N12 of the FNCAS notes that the Council will seek the retention of those buildings which are considered to make a positive contribution to the character or appearance of the Conservation Area, and will only grant consent for demolition where it can be shown that the building detracts from the character of the area.

4.9. The applicant has challenged the categorisation of the application building as a positive contributor, noting that, “*The house lacks a cohesive appearance and form...*” and, “*The house has the appearance of an unsophisticated self-build project, or a building that has been extended in successive phases over time. The mediocre quality of the architecture of the house clearly does not bear any comparison with the high quality of the notable examples of domestic architecture in Hampstead of the same period...*”. They also dispute claims that the house was designed by the architect Ted Levy, or his practise.

4.10. The Council disagrees with the applicant’s assessment. Notwithstanding the fact that the building is specifically identified as making a positive contribution in the FNCAS which was produced 16 years ago, and that the Council’s previous refusal at the application site sets out the Council’s position in relation to the building, the following qualities of architectural, historic, townscape and social interest in the building are identified, which make up the building’s positive contribution to the character and appearance of the Conservation Area:

- The building is identified 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;
- Evidence suggests the building may have been 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, the building provides 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 C20th;
- 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 important sense of a gap between the larger C19th buildings;
- The smaller size of No. 15 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 and Thurlow Road.

4.11. To conclude, the loss of a building which is considered to make a positive contribution to the character and appearance of the Fitzjohns Netherhall Conservation Area is contrary to policy. Therefore the principle of development is not acceptable and the application is recommended for refusal on this basis.

5. Impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area)

5.1. As already noted, the application site is located 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.

- 5.2. Notwithstanding the fact that the principle of demolishing and replacing the existing dwelling is not considered to be acceptable, the following comments are made in relation to the proposed design of the replacement dwelling.
- 5.3. The replacement dwelling would be larger than the existing and would therefore have greater prominence in the street scene. The replacement dwelling would also sit closer to the front boundary of the application site, which would also give the building greater visual prominence.
- 5.4. Similar to the existing building, the replacement building would have an irregular form and would be made up of separate elements; however, the replacement building would have a much bolder and more angular form than the existing. Whereas the existing building features a curved wall on its otherwise relatively simple and modest front elevation, the front elevation of the replacement building would comprise of quadrangular elements jutting out from the centre of the building at different angles.
- 5.5. Furthermore, whereas the existing building is part single storey and part two storey, with the curved, timber clad stairwell element rising above the main roof line, the replacement building would be a full two storeys in height across the whole plot width and would therefore have much greater bulk and massing when viewed in the street scene.
- 5.6. As noted above, No. 15 is singled out in the FNCAS as an example of C20th infill development and it is considered that the building contributes very successfully to the rhythm of the street scene, allowing visual gaps to remain between the larger C19th buildings. The deferential building line of the existing building is part of its careful contextual design, and it sets up a relationship between the buildings of different ages which is part of their positive contribution to the character and appearance of the conservation area. The fact the replacement dwelling would appear significantly larger than the existing and would sit further forward in the plot is not considered to be acceptable as the proposal would disrupt the established relationship between Nos. 13, 15 and 17, to the detriment of the character and appearance of the conservation area.
- 5.7. The existing building was evidently built in the grounds of No. 13 and it is considered to be important that any building on the plot retains a sense of clear subservience to No. 13. The fact the replacement dwelling would be so much larger and prominent means this sense of subservience would be significantly reduced, and this would be considered harmful to the character and appearance of the streetscene and conservation area.
- 5.8. Furthermore, the fact the replacement building would be two storey in height across the whole plot also means that views of the side of No. 17 would be lost (or significantly reduced). No. 17 is another large, attractive Victorian dwelling which occupies the end plot in the street and features prominent gables and chimneys. It is considered that views of the side of the building (available from the junction of Lyndhurst Terrace with Thurlow Road and also longer-range) contribute positively to the character and appearance of the conservation area, yet views of this building would be significantly altered and harmed by the introduction of the much larger building on the application site. It is recognised that the replacement building would have an angled frontage to allow the retention of some views towards No. 17; however, the angled front corners of the building are harsher and more severe than the simple curved frontage on the existing building and it is considered that the new building would detract from the setting of No. 17 and harm its special relationship with the street scene.
- 5.9. The Design & Access Statement submitted with the application notes that the application site, *“with its location almost opposite the junction of Thurlow Road and being the last plot before the termination of Lyndhurst Terrace, demands that the house should engage more positively with the street than in other mid-street ‘gap’ conditions”*; however, the Council strongly disagrees with this assertion. The existing building at the application site is small and tucked away as part of its designed and intended character, and this is considered to be a critical part of its contribution to the conservation area. The building was never designed to stand out or be

overly prominent in the street scene along Lyndhurst Terrace; instead, it is considered that the building was designed to be discreet and it provides a welcome contrast with the grander buildings in the local surroundings. In contrast, the replacement building would undoubtedly be 'louder' than the existing, which would be to the detriment of the character and appearance of the conservation area as the building would start to visually compete with its neighbours. This is not considered to be appropriate for an 'infill building'.

- 5.10. The fact the replacement building would occupy so much of the plot is also considered to be unacceptable. At the rear, the rear building line of the new building would align with the rear building line of No. 13, but then the rear wall angles itself towards the rear building line of No. 17, leaving very little rear garden space (especially given that part of the rear garden is taken up by a sunken lightwell to serve the basement). The proposed footprint of the new building is considered to be too large and it is considered that the proposal represents overdevelopment of the plot.
- 5.11. Not only is the design of the building much louder / bolder in terms of massing and scale, but it is considered that the proposed design of the building fails to respond to or take cues from the surrounding area in terms of the detailing, layout and form of the building.
- 5.12. The Design & Access Statement notes that the design, "*reacts to the immediate scale, street scene, outlook and sightlines of its immediate environment*" and that the building, "*seeks to find an appropriate architectural language of a modern home which is innovative and yet heavily informed by the local architectural culture*"; however, this is not considered to have been achieved in the final design.
- 5.13. The Design & Access Statement also makes the point that the existing building at the application site makes no concessions to the local area in terms of design. However, the key difference is that the existing building is modest in its outward appearance, which is appropriate to its infill position between the larger, grander C19th buildings. The Design & Access Statement notes that, "*The (proposed) house fills the given site in width with a clear and unfussy form*" and it goes on to note that, "*The house has a singular 'extruded' form that reflects the simplicity and often utilitarian character of historical gap site buildings which were usually autonomous and non-residential in character; coach-houses, garages or garden buildings for example...*". The Council strongly disagrees with these statements as the angled elements jutting out from the centre of the building could not be described as clear or unfussy or simple. Neither is it considered that the proposed new building could be said to reflect the normal development of 'historical gap sites', given its overly complex external appearance.
- 5.14. It is recognised that the existing building at the application site has an irregular form, with curved and straight lines, and that it is comprised of separate elements. However, on the whole, the design is relatively modest and the building does not draw undue attention to itself in the street scene. The form of the proposed replacement building, with the quadrangular elements jutting out from the centre of the building at different angles, is considered to jar with the neighbouring buildings and it is considered that the building would have undue prominence in the street scene, to the detriment of the character and appearance of the street scene and the wider area.
- 5.15. The Design & Access Statement refers to the angled elements at the front of the new building as "*bay-like forms*" and likens them to bay windows; however, the Council disagrees that these elements would appear like bay windows. Instead, these elements contribute to the bold / severe overall form of the building.
- 5.16. The solid to void ratio on the proposed new building is also considered to be inappropriate. Whereas the existing building presents large glazed windows to the street, giving it a welcoming and open appearance (not unlike the neighbouring buildings), the replacement building would have a high solid to void ratio, with a high proportion of solid brickwork and only a few openings facing towards the street. It is considered that this would

give the building a closed and defensive appearance, which is not considered to contribute positively to the street scene or the wider area.

5.17. The use of brickwork is considered to be acceptable (subject to the use of high quality bricks); however, polished terrazzo is not common to the local area. Notwithstanding this comment, if the application was otherwise considered to be acceptable, a suitable planning condition could require the submission and approval of facing materials prior to the commencement of development.

5.18. To conclude, the proposed replacement dwelling, by virtue of its scale, massing, form and detailed design, is considered to cause harm to the character and appearance of the street scene and the wider Fitzjohns / Netherhall Conservation Area. The application is therefore recommended for refusal on this basis.

6. Basement considerations

6.1. Policy A5 of the Local Plan, which relates to basement development, sets out a number of criteria against which to assess proposals. Firstly, the policy notes that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

a) neighbouring properties;

b) the structural, ground, or water conditions of the area;

6.2. The policy notes that, in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment (BIA) and where appropriate, a Basement Construction Plan.

6.3. A BIA was submitted with the application, and was subsequently amended, in response to queries from Campbell Reith (who have independently audited the BIA). Following the publication of the final audit report by Campbell Reith, the proposed design of the basement construction was amended to reduce the width of the concrete underpins and introduce a void former on the neighbouring (No. 17) side of the footing. Campbell Reith have reviewed the revised documents / plans and confirmed that the change does not affect the conclusions of the BIA audit report.

6.4. Overall, Campbell Reith conclude that the BIA adequately identifies the potential impacts from the basement proposal and provides suitable mitigation and meets the requirements of CPG4 (Basements and Lightwells). As such, the proposal meets the requirements of Policy A5, parts (a) and (b) and if the application was otherwise considered to be acceptable, suitable planning conditions could require that the works were carried out in accordance with the methods outlined in the BIA and also ensure that a suitably qualified engineer was appointed to oversee the works.

6.5. Policy A5 also discourages basement development that would cause harm to:

c) the character and amenity of the area;

d) the architectural character of the building; and

e) the significance of heritage assets

6.6. In this case, the proposed basement would manifest itself externally by way of the 2x lightwells, 1x at the front and 1x at the rear of the property. Although neither of the lightwells would be visible from the street scene (the one to the front is effectively hidden from view by one of the angled elements jutting out from the centre of the new building), it is worth noting that the lightwells would nevertheless express the existence of the large basement below the building and they would further highlight the overly large scale of the new building within the site and the sense of overdevelopment of the plot. It is considered that the manifestation of

the basement above ground level would be harmful to the architectural character of the new building, as it would further reduce the sense of subservience of the building in this sensitive location. The application is therefore recommended for refusal on this basis also.

6.7. Policy A5 goes on to set out specific criteria against which to assess basement development. It notes that basement development should:

f) not comprise of more than one storey;

6.8. Paragraph 6.131 of the Local Plan notes that the Council considers a single storey for a basement to be approximately 3 to 4 metres in height. In this case, the proposed basement would be single storey and would measure up to 3.3 metres below ground level, which is acceptable in terms of criterion (f).

g) not be built under an existing basement;

6.9. The proposed basement would not be built under an existing basement as this is a new-build project. The proposal therefore complies with criterion (g).

h) not exceed 50% of each garden within the property;

6.10. The proposed basement would be larger than the above ground footprint of the host building, but it would not exceed 50% of either the front or side garden. The lightwell to the front/side of the property would cover the whole space, but this is not considered to constitute a garden for the purposes of this assessment. As such, the proposal complies with criterion (h).

i) be less than 1.5 times the footprint of the host building in area;

6.11. The footprint of the host building is approximately 118sqm, whereas the footprint of the proposed basement is approximately 140sqm, which is less than 1.5 times the footprint of the host building (NB. the limit would be 177sqm). The proposal therefore complies with criterion (i).

j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;

6.12. The proposed host building and basement would have irregular footprints and the rear elevation of the host building is not a straight line. Furthermore, the rear garden of the property would be very small. Nevertheless, the proposed basement would not extend into the garden further than 50% of the depth of the host building, wherever the measurement is taken from. The proposal therefore complies with criterion (j).

k) not extend into or underneath the garden further than 50% of the depth of the garden;

6.13. As noted, the resultant rear garden would be very small and the rear building line of the proposed new building is not straight. At most, the rear garden would measure 4.7 metres deep and at its shortest, the rear garden would measure 1.9 metres deep. The rear lightwell would extend out from the rear elevation of the host building by over 4 metres, which is more than 50% of the depth of the garden, whichever measurement is used (it is almost the entire length of the garden at this point). The fact that this part of the basement is a lightwell, visible from above ground level, exacerbates the visual impact and contributes to the sense of the host dwelling and its basement being too large for the plot. This would be detrimental to the visual attractiveness and environmental wellbeing of the area generally. The proposal fails to comply with criterion (k) and the application is therefore recommended for refusal partly on this basis.

l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;

6.14. The plans have been amended during the course of the application to alter the proposed design of the basement, to reduce the width of the concrete underpins and introduce a void former on the neighbouring (No. 17) side of the footing. Nevertheless, for the purpose of this assessment, the proposed basement would not be set back from neighbouring properties where it extends beyond the footprint of the host building. The proposal fails to comply with criterion (l) and the application is therefore recommended for refusal partly on this basis.

m) avoid the loss of garden space or trees of townscape or amenity value.

6.15. The proposal would significantly reduce the size of the rear garden at the application site from nearly 60sqm to approximately 20sqm (plus a sunken lightwell measuring approximately 5sqm). The proposal therefore fails to comply with criterion (m) and the application is recommended for refusal partly on this basis also.

6.16. To conclude this section, the proposed basement fails to comply with the requirements of Policy A5 of the Local Plan. The application is therefore recommended for refusal on this basis.

7. Trees and landscaping

7.1. Policy A3 of the Local Plan seeks to protect and secure additional trees and vegetation. The policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development.

7.2. There are no trees / vegetation of significance at the application site itself. The front garden is mostly covered with gravel, with some planting beds around the edges, and the rear garden is mostly covered with concrete flagstones, with a planting bed along the northern edge.

7.3. The previous application to replace the existing dwelling was refused partly on the basis of potential harm to the root protection area of a mature Horse Chestnut tree in the front garden of No. 17 Lyndhurst Terrace. This current application is accompanied by an Arboricultural Impact Assessment report. A Tree and Landscape Officer has reviewed the report and is satisfied that the proposed works would not cause undue harm to any trees or vegetation adjacent to the application site, including the mature Horse Chestnut tree at No. 17. If the application was otherwise considered to be acceptable, a suitable condition could ensure that the works were carried out in accordance with the tree protection measures outlined in the submitted report.

7.4. Policy A5 of the Local Plan requires applicants to demonstrate that proposals for basements:

(r) provide satisfactory landscaping, including adequate soil depth;

(u) do not prejudice the ability of the garden to support trees where they are part of the character of the area

7.5. CPG4 (Basements and lightwells) notes that basement development that extends below garden space can reduce the ability of that garden to support trees and other vegetation. It advises that sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. CPG4 also notes that basement development should provide an appropriate proportion of planted material to allow for rainwater to be absorbed and/or to compensate for loss of biodiversity caused by the development. It is expected that a minimum of 1 metre of soil be provided

above basement development that extends beyond the footprint of the building, to enable garden planting and to mitigate the effect on infiltration capacity.

7.6. In this case, the footprint of the proposed basement would be larger than that of the host building but not significantly. Although the proposed basement, where it extends beyond the footprint of the host building, would not incorporate 1 metre of soil above it, this is considered to be acceptable on the basis that the proposal would not result in a reduction of biodiversity at the application site given the existing hardstanding at the front and rear of the site

7.7. Furthermore, although the proposal would significantly reduce the size of the rear garden (from nearly 60sqm to approximately 20sqm), which represents poor design in terms of the residential amenity of future occupiers (see next section), the proposal would incorporate new planting to the front of the property, where there is currently a gravel driveway. This is welcomed in terms of increasing biodiversity at the application site.

7.8. Overall, the proposal is considered to be acceptable in this respect.

8. Living standards for future occupiers

8.1. In relation to housing, part (n) of Policy D1 of the Local Plan requires development to provide a high standard of accommodation. The sub-text to the policy notes that all residential developments are to be designed and built to create high quality homes.

8.2. It is considered that the replacement dwelling would provide a good standard of accommodation for future occupiers in terms of its size and layout etc. However, Policies A2 and A3 of the Local Plan both seek to protect gardens wherever possible. Paragraph 6.49 of the Local Plan notes that gardens, balconies and roof terraces are greatly valued and can be especially important for families.

8.3. The reduction in size of the private rear garden from nearly 60 metres to approximately 20sqm (plus a sunken lightwell measuring approximately 5sqm) represents poor design as the garden would be very small to serve a dwelling of this size. It is recognised that there would also be a garden to the front of the replacement dwelling, but it would not benefit from the same levels of privacy as the rear garden. The application is recommended for refusal partly on this basis.

9. Impact on the visual and residential amenities of nearby and neighbouring residential properties

9.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; transport impacts; impacts of the construction phase; noise and vibration levels; odour, fumes and dust; microclimate; contaminated land; and impact upon water and wastewater infrastructure.

9.2. The main properties that are likely to be affected are the immediate neighbours, Nos. 13 and 17 Lyndhurst Terrace. All other nearby residential properties are considered to be sufficiently removed from the application site so as not to be affected.

Overlooking and loss of privacy

9.3. The replacement dwelling has been designed in order to mitigate against overlooking to the neighbouring properties. There would be no first-floor windows facing towards the neighbouring properties, which is welcomed.

Daylight and sunlight

9.4. It is not considered that the replacement dwelling would be harmful to the amenity of neighbouring properties in terms of sunlight, daylight and overshadowing. This is due to its

position in relation to the neighbouring properties and the path of the sun and also the fact it would replace an existing building in a similar position. Although the new building would be located directly to the south of part of No. 17, the same can be said of the existing building and the sun would be at its highest point in the sky when it passes round the south. As such, it is not considered that the proposed new dwelling would cause significantly more impact such as to warrant a refusal on this basis.

Sense of enclosure / loss of outlook

- 9.5 It is not considered that the proposed new dwelling would give rise to a loss of outlook or sense of enclosure to the neighbouring properties. Again, this is due to its position on the plot and distance from the neighbouring properties, and also the fact it would only be two storeys tall.
- 9.6 The proposal does not involve any external lighting to the garden and the replacement dwelling would feature less glazing than the existing and therefore it is not considered that the proposal would give rise to unacceptable light pollution or light spillage.
- 9.7 It is not considered that the proposal would cause harm by reason of extra comings and goings to the application site. Although the replacement dwelling would be larger than the existing, there is unlikely to be significant additional comings and goings associated with the single family dwellinghouse. Furthermore, the number of car parking spaces is being reduced from 3 to 1.
- 9.8 The sub-text to Policy A1 notes that disturbance from development can occur during the construction phase, and measures to reduce the impact of demolition, excavation and construction works should be outlined in a Construction Management Plan (CMP). A draft CMP has been provided with the application and if the application was otherwise considered to be acceptable, a full CMP could be secured by legal agreement. However In the absence of such a legal agreement this forms a further reason for the refusal of the application although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.
- 9.9 After the construction period has finished, it is not considered that the proposal would cause undue harm to neighbouring properties in terms of noise, vibration, odour, fumes or dust. Neither is it considered that the proposal would cause microclimate, contamination of water-related issues to neighbouring properties.
- 9.10 Overall, the proposal is considered to be acceptable in this respect.

10.0 Transport considerations

- 10.1 Policy T1 of the new Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The policy seeks to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan and the Council's design guidance.
- 10.2 The London Plan requires 2 spaces and the development proposes 2 covered and secured spaces in an external store, which is considered to be acceptable. If the application was otherwise considered to be acceptable, a suitable planning condition could require the provision of the cycle parking spaces prior to occupation, and their retention in perpetuity thereafter.
- 10.3 Policy T2 of the Local Plan relates to parking and car-free development. The policy notes that the Council will limit the availability of parking and require all new developments in the borough to be car-free.

- 10.4 The Council's records show that the existing dwelling does not currently have any on-street residents parking permits and has not done so for a number of years. The application site is within controlled parking zone CA-H, which the Council's records show suffers from an estimated residential parking stress ratio of 1.11 (there are 111 permits per 100 available spaces). On this basis, it is considered that allowing occupiers of the replacement dwelling to access residents parking permits would add pressure to an area which already suffers from high parking stress.
- 10.5 The sub-text to Policy T2 notes (para 10.20): "*... the Council will consider retaining or re-providing existing parking provision where it can be demonstrated that the existing occupiers are to return to the address when the development is completed.... If a development is to have new occupiers, this should be car-free.*"
- 10.6 In this case, the re-provision of off-street parking is considered to be acceptable, particularly because there would be a reduction in the number of parking spaces from 3 to 1. If the application was otherwise considered to be acceptable a legal agreement could secure the new dwelling relinquishes the right to a parking permit (i.e. future occupiers would not be issued with on-street parking permits but would be able to park on-site as is the current situation). In the absence of such a legal agreement this forms a further reason for the refusal of the application although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.
- 10.7 Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road, and Policy A4 seeks to minimise the impact on local amenity from the demolition and construction phases of development. As noted above, given the nature of the works, if the application was otherwise considered to be acceptable, a legal agreement could secure a full CMP to ensure that the development could be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.
- 10.8 If the application was otherwise considered to be acceptable, the legal agreement could also secure a financial contribution towards making good any damage to the public highway adjacent to the site. In the absence of such a legal agreement this forms a further reason for the refusal of the application although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

11.0 Sustainability considerations

- 11.1 Policy CC1 requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures.
- 11.2 The application is accompanied by an Energy Statement. The Energy Statement notes that the use of CHP, wind energy, ground source heat pumps, biomass boilers and air source heat pumps are not feasible for the project. However, the Energy Statement does propose the use of solar PV panels, which would provide 29.3% CO₂ reduction.
- 11.3 The Energy Statement also notes that the proposed building would be constructed with high performance materials and would incorporate energy efficiency measures such as insulation, low air permeability and energy efficient windows, and that the water usage should be less than 125 litres per person per day. If the application was acceptable in all

other respects a condition would be attached to secure this.

11.4 Policy CC2 encourages the use of green and blue roofs wherever possible. The plans indicate that the roof would provide 3x separate areas of green roof, which is welcomed.

11.5 The Energy Statement also notes that the replacement building would reduce CO2 emissions by over 245% compared to the existing building.

11.6 Overall, the proposal is considered to be acceptable in this respect.

12.0 Conclusion

12.1 The proposed demolition, by reason of the loss of the existing building which makes a positive contribution to the Fitzjohns / Netherhall Conservation Area, would cause harm to the character and appearance of the conservation area, contrary to Policy D2 of the Camden Local Plan 2017.

12.2 The proposed replacement dwelling, by virtue of its scale, massing, form and detailed design, would cause harm to the character and appearance of the street scene and the wider area and would fail to preserve or enhance the character and appearance of the Fitzjohns / Netherhall Conservation Area, contrary to Policies D1 and D2 of the Camden Local Plan 2017.

12.3 The proposed basement, by virtue of its excessive size and external manifestation in relation to the size of the site and host dwelling, would represent poor design and be harmful to the character and appearance of the wider Fitzjohns / Netherhall Conservation Area, contrary to Policies D1, D2 and A5 of the Camden Local Plan 2017.

12.4 The proposed basement, by virtue of its size and external manifestation would deprive the proposed dwelling of sufficient open amenity space and be detrimental to the visual attractiveness and environmental wellbeing of the area generally contrary to the open space and biodiversity objectives of policies A2, A3 and A5 of the Camden Local Plan 2017.

12.5 The proposed development, in the absence of a legal agreement to prevent the prospective owners from applying for a residents on-street parking permit would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to Policy T2 of the Camden Local Plan 2017.

12.6 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 Policy T4 of the Camden Local Plan 2017.

12.7 The proposed development, in the absence of a legal agreement to secure highway contributions to undertake repair works outside the application site, would fail to restore the pedestrian environment to an acceptable condition, contrary to Policies T1 and T3 of the Camden Local Plan 2017.

13.0 Recommendation: Refuse planning permission