

**Appendix 8 – Schedule of responses to specific points raised in Delegated Report**

## 15 Lyndhurst Terrace: Application Reference 2017/2471/P

### Analysis of Delegated Officer Report and response by Peter Stewart Consultancy (PSC) & Sergison Bates architects (SBa)

<b>Reason 1: <i>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</i></b>		
<b>LBC Report Ref</b>	<b>LBC Assertion</b>	<b>Response by PSC / SBa</b>
4.4	“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”	This is noted in the <i>Heritage Assessment</i> (section 4) but not agreed.
4.5	“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”	Quoted at 4.14 of <i>Heritage Assessment</i>
4.6	“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”	Addressed in <i>Heritage Assessment</i> . Relevant policy is set out in section 2. The response to national policy in respect of harm is made in paras 6.10 to 6.20. It is not agreed that the Existing House makes a positive contribution to the CA.
4.7	“[The 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.... As such there is no justification for the loss of the positive contributor”	Addressed in <i>Heritage Assessment</i> . Relevant policy is set out in section 2. The response to national policy in respect of harm is made in paras 6.10 to 6.20. It is not agreed that the Existing House makes a positive contribution to the CA. In the alternative, any harm resulting from loss of the Existing Building is minimal and the public benefits associated with the high quality design and significant positive contribution of the Replacement House to the CA outweigh any such harm claimed.
4.8	“the following qualities of architectural, historic, townscape and social interest in the building are identified, which make up the building’s	Addressed in <i>Heritage Assessment</i> , set out in full at section 4, para 4.21 onwards

	positive contribution to the character and appearance of the conservation area”	including by reference to Historic England guidance
4.10	“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 provided a notably more imaginative and successful response to its site and context than nearby near contemporaries”	Addressed in <i>Heritage Assessment</i> , set out in full at section 4, para 4.21 onwards including by reference to Historic England guidance. Para 4.25 notes that post-war infill is incidental to the reasons for designating the CA and not important component of significance.
4.10	“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 20 <sup>th</sup>	Addressed in <i>Heritage Assessment</i> , see 4.16-4.32. No evidence has been found or put forward by those suggesting Ted Levy involvement in the design. Even if he were involved, it is a poor quality building and would represent a poor example of his work. The former residents are not considered to afford any heritage significance to the Existing Building.
4.10	“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 propositions to create an interesting, contextual and modest detached dwelling”	Addressed in <i>Heritage Assessment</i> , see 3.8 to 3.15. and Section 4, para 4.23 to 4.33. Existing Building is considered to: - Lack a cohesive appearance and form - Be muddled in design, with many details unresolved and crudely executed - Have the appearance of an unsophisticated self-build project or a building that has been extended in successive phases over time - Lack street presence - Be of very limited architectural interest, lacking the rigour and sophistication of the other post-war infill buildings in the local area (such as those illustrated in the DAS)
4.10	“The building contributes to the rhythm of the street scene (e.g. large buildings interspersed with small buildings) and it helps preserve the	Addressed in <i>Heritage Assessment</i> Sections 3 & 4 Para 4.28 notes that the same street scene rhythm

	important sense of a gap between the larger C19th buildings”	could be better fulfilled by a replacement building.
4.10	“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”	Addressed in <i>Heritage Assessment</i> Sections 3 & 4. Specific mention a para 4.29, where it is noted that the same townscape role could be better fulfilled by a replacement building.
<b>Reason 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”</b>		
5.3	“The replacement dwelling would be larger than the existing and would therefore have greater prominence in the street scene”	The proposed dwelling is larger, but still comparatively secondary within the streetscape. The proposed dwelling remains within the established parameters of scale and rhythm of the townscape. DAS, p.14-15; p.26-30.  <i>Heritage Assessment</i> 5.8, 5.10, 6.5 to 6.9, 6.22
5.3	“The replacement dwelling would also sit closure to the front boundary of the application site, which would also give the building greater visual prominence”	As indicated on drawing 305/4201, the body of the proposed building sits in line with the adjacent property to the south. The Bay element sits forward of this by 2.7m. However, this is still some 6.7m back from the front boundary. Existing building, at its closest, is 8m back from boundary, so this represents an increase of only 1.3m. Visualisations in the DAS demonstrate that the proposed building is not overly visually prominent, but rather makes an appropriate contribution to the street.  <i>Heritage Assessment</i> 5.8, 5.10, 6.5 to 6.9, 6.22
5.4	“The replacement building would have a much bolder and more angular form”	DAS p.5 The existing building is modernist and makes no obvious concessions or relations to context. Drawing 305/4101 indicates strange-

		<p>shaped form of existing house plan.</p> <p>The plan form of proposed house references period buildings in the same CA with dynamic forms (for example, DAS p.9 image 3)</p> <p><i>Heritage Assessment</i> 6.5 to 6.7</p>
5.5	<p>“the replacement building would be a full two storeys in height across the whole plot width and would therefore have much greater built and massing when viewed from the street scene”</p>	<p>DAS, p.14-15; p.26-30. The proposed house is designed to be subordinate in scale to the adjacent large villas.</p> <p><i>Heritage Assessment</i> 5.8, 5.10, 6.5 to 6.9, 6.22</p>
5.6	<p>“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”</p>	<p>DAS, p.14-15; p.26-30. The proposed house is designed to be subordinate in scale to the adjacent large villas.</p> <p><i>Heritage Assessment</i> 5.8, 5.10, 6.5 to 6.9, 6.22</p>
5.7	<p>“...it is considered to be important that any building on the plot retains a sense of clear subservience to No.13. The fact that the replacement dwelling would be so much larger and more prominent means this sense of subservience would be significantly reduced, and this would be considered harmful to the character and appearance of the street scene and conservation area”</p>	<p>DAS, p.30. The proposed house is clearly subservient to no.13</p> <p><i>Heritage Assessment</i> 5.8, 5.10, 6.5 to 6.9, 6.22</p>
5.8	<p>“the fact that 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)...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”</p>	<p>DAS, p.30. The visualisation demonstrates that views to the side elevation of no.17 are unchanged from the corner of Thurlow Road / Lyndhurst Terrace.</p> <p><i>Heritage Assessment</i> 5.8, 5.10, 6.5 to 6.9, 6.22</p>
5.8	<p>“the angled front corners of the building are harsher and more server 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”</p>	<p>DAS, p.15. The proposed form is specifically adjusted in order to acknowledge no 17 and bring it into play in the streetscene, rather than the existing building which completely ignores its presence.</p>

		<i>Heritage Assessment 5.7, 5.8, 6.5 to 6.7</i>
5.9	“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....it is considered that the building was designed to be discreet and it provided a welcome contrast with the grander buildings in the local surroundings”	DAS, p.14 ‘Singular extruded form that reflects simplicity and utilitarian character of historical gap site buildings usually autonomous and non-residential in character; coach-houses, garages or garden buildings’  <i>Heritage Assessment Section 4</i>
5.9	“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’”	DAS, p.14 The design of the proposed dwelling is one of ‘clear unfussy form’. It contributes appropriately to the streetscene.  <i>Heritage Assessment 5.8, 5.10, 6.5 to 6.9, 6.22</i>
5.10	“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”	The proposed dwelling broadly follows the building lines of buildings to the south, and makes efficient use of the land at the site. Existing footprint 74.75sqm Proposed footprint 116.85sqm
5.11	“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”	DAS, p.14 Bay-like forms reflect no. 13 and other nearby 19th C villas. DAS, p.15 2nd bay-like form rotated to ‘give way’ to looming presence of Elm Bank. The rear responds to the special character of the plot DAS, p.16 The proposal seeks to positively engage all of its neighbours DAS, p.18 The arch references local context DAS, p.20 Careful observation of brick (as defined in CAS) in local context.  <i>Heritage Assessment Section 4, 5 and section 6</i>
5.13	“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.	As noted above, the existing building is not considered to be modest, but

		<p>uncompromisingly modern in appearance.</p> <p><i>Heritage Assessment Section 4, 5 and section 6</i></p>
5.13	<p>“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”.</p>	<p>The plan form of the proposed house references period buildings in the same CA with dynamic forms (for example, DAS p.9 image 3). DAS, p.14 Bay-like forms reflect no. 13 and other nearby 19th C villas.</p> <p><i>Heritage Assessment 5.7, 5.8, 6.5 to 6.7</i></p>
5.14	<p>“...on the whole the design is relatively modest and the [existing] 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”</p>	<p>As above. The plan form of the proposed house references period buildings in the same CA with dynamic forms (for example, DAS p.9 image 3). DAS, p.14 Bay-like forms reflect no. 13 and other nearby 19th C villas.</p> <p><i>Heritage Assessment 6.5 to 6.7</i></p>
5.15	<p>“the Design and 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”</p>	<p>The angled elements proposed are bay-like, and respond to forms found upon period properties in the CA such as shown DAS p.9 image 3. Such elements are integral to the considered design and are not bold nor severe. They are familiar elements to the established character and appearance of the area.</p> <p><i>Heritage Assessment 5.7, 5.8, 6.5 to 6.7</i></p>
5.16	<p>“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”</p>	<p>The extent of glazing to the <i>existing</i> building is uncharacteristic of the CA. The proposed solid to void ratio is similar in appearance to other buildings in the CA as shown in DAS p.9 images 1,2,3; DAS p.10 figure 1 (first two images showing 5&amp;7 Lyndhurst Terrace).</p>

		<p>Assessment of actual solid to void ratios (street elevation):  Proposed house:  Solid = 66sqm  Opening = 9sqm  Ratio = 13.6%</p> <p>No13:  Solid = 103sqm  Opening = 40sqm  Ratio = 40%</p> <p>No 17-19:  Solid = 86sqm  Opening = 12sqm  Ratio = 13.9%</p> <p><i>Heritage Assessment 5.7, 5.8, 6.5 to 6.7</i></p>
<p><b>Reason 3 <i>The proposed basement, by virtue of its 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</i></b></p>		
<p><b>Reason 4: <i>The proposed basement, by virtue of its excessive 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</i></b></p>		
6.6	<p>"...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</p>	<p>Neither lightwell would be visible from the public realm. The side lightwell is not visible at all. The rear lightwell is only visible in very limited private views. To suggest that the existence of any lightwells at all highlights the basement is too large is unsupportable. The lightwells are a way of ensuring the quality of the accommodation provided in the scheme.</p>
6.6	<p>"It is considered that the manifestation of the basement above ground 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"</p>	<p>As above. The lightwell to the side of the property would not have any manifestation above ground. The lightwell to the rear of the property would only manifest in a railing invisible from the public realm and would in no way be harmful to the character of the new building.</p>
6.13	<p>"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</p>	<p>See para 8.10 of Appeal Statement. The rear garden at narrowest point is 1.9m</p>



	<p>the garden.....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.</p>	<p>deep. At that point the lightwell extends to some 0.8m which is 42% of the depth of the garden. In any case, the lightwell is neither detrimental to visual attractiveness and environmental wellbeing of the area. See para 9.9-9.17 of Appeal Statement.</p>
6.14	<p>“The proposed basement would not be set back from neighbouring properties where it extends beyond the footprint of the host building”</p>	<p>See para 8.10 of Appeal Statement.</p>
6.15	<p>“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.</p>	<p>See para 8.10 of Appeal Statement. Existing (60sqm) garden is of poor quality with little amenity value. Approx. half of the existing "garden" sits to the northern side of the plot, overshadowed by the existing house itself plus the adjoining property. Proposed garden consists of 27.6sqm garden at ground level plus a further 5.2 sqm at lower ground level which provides valuable amenity for the bedroom situated there, and a good deal of privacy.</p>
8.3	<p>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.”</p>	<p>See above. See para 9.3-9.17 of Appeal Statement.</p>