

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	14/05/2018
		N/A		<b>Consultation Expiry Date:</b>	14/06/2018
<b>Officer</b>			<b>Application Number(s)</b>		
Sofie Fieldsend			2018/1341/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Flat A, 43 Hampstead High Street London NW3 1QG			See draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of two storey rear extension at first and second floor level and conversion of existing 3 bed flat to provide 2 x 1 bed flats (Class C3).					
<b>Recommendation(s):</b>		Had an appeal not been lodged against non-determination, planning permission would have been refused			
<b>Application Type:</b>		Full Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed on the 23/05/2018 and the consultation period expired on the 13/06/2018. A press notice was advertised on 24/05/2018 and expired on 14/06/2018.</p> <p>No objections were received during this consultation period.</p>					
<b>Hampstead CAAC</b>	Hampstead CAAC were consulted and raised no objection					

**Hampstead  
Neighbourhood Forum**

Hampstead Neighbourhood Forum were consulted and raised the following objection:

The Hampstead Neighbourhood Forum objects to the proposed extension for 43 Hampstead High Street as it will have a detrimental impact on several heritage assets and to the conservation area in general.

The proposal fails to “respect and enhance the character and local context of the relevant character area” and therefore is contrary to Policy DH1 of the emerging Hampstead Neighbourhood Plan.

Through its height, mass and profile, the new extension would cause harm to the Grade II listed 1-3 Flask Walk and its setting. The attached photo demonstrates how the new extension would obscure the roof-line of 1-3 Flask Walk, concealing one side of the tiled roof and completely obscuring the side dormer (this can also be seen on Google Streetview). In addition, it would disrupt the roofline of the listed buildings adjacent to 1-3 (nos 5, 7 and 9). Nos. 2, 4 and 14 on the other side of Flask Walk are also listed.

These are some of the oldest buildings in Hampstead dating back to the early 18th century. 1-3 Flask Walk is a Grade II-listed pair of terraced cottages with later shops, according to English Heritage. No. 1 is early 18th century, altered and re-fronted in the mid20th. Flask Walk is one of the most historic streets in Hampstead and regularly appears in features and films. The view of Flask Walk from the High Street was a favourite of the artist Charles Ginner who lived directly opposite at 61 High Street and captured it a number of times in his paintings. In the painting below, you can see the roof of 1-3 Flask Walk clearly visible.

The Design and Heritage Report submitted with this application fails to mention that 43 High Street is noted in the Hampstead Conservation Area Statement as making a positive contribution to the conservation area. According to Policy DH2 of the emerging Neighbourhood Plan, development proposals “must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the Conservation Area”. The proposal fails to do this.

Contrary to D2 of the Camden Local Plan, the public benefits of the proposal would not convincingly outweigh the less than substantial harm to the listed asset. In fact, there would be no public benefit at all as the conversion of one 3-bedroom flat to 2 1-bedroom flats would lead to the loss of one bedroom.

The Neighbourhood Forum urges Camden to reject the current proposal.

<p><b>The Heath and Hampstead Society</b></p>	<p>The Heath and Hampstead Society objected on the following grounds:</p> <p>This proposal, at first glance, looks inoffensive and similar in general design to many others.</p> <p>However, examination of the site, and its context, presents a very different picture. No 43 is not a listed building (as the applicants emphasise in their D/A Statement), but it forms part of a very crucial composition, at the corner of the High Street and Flask Walk. It is locally listed, contrary to the applicants statement; i.e. it makes a positive contribution to the character of central Hampstead. See the Conservation Area Statement page 52. You will know that such locally listed buildings need to be given special Planning consideration. This corner of our Conservation Area has great significance, being featured historically in many pictures and photographs of Hampstead over the past 250 years, as Janine Grifis has so clearly set out in her recent letter of objection from the Neighbourhood Forum.</p> <p>This proposed extension, taken together with the crucial views down Flask Walk, would obscure and distort the architecture of the cottages in Flask Walk, and harm the character of this archetypal corner of Hampstead. It really must not be allowed to damage this National asset. Please refuse.</p>
<p><b>Councillor Stark:</b></p>	<p>Councillor Stark raised the following objection:</p> <p>As one of the Hampstead Town ward councillors I would object to the above planning application. The proposed extension and infilling of this important corner of Hampstead Village will obscure the view of the Grade II listed 1-3 Flask Walk and destroy the openness given by the setting back of this building on the corner of Flask Walk and Hampstead High Street. The planning application if granted will also eradicate the view of the flank roof elevation and chimney stack of 1 Flask Walk. I am also concerned that there will be a loss of light and amenity into the 1 Flask Walk flank roof window. Please see the attached marked up photograph.</p> <p>The aspects which I have described work with others to create the unique character of Hampstead. It is a heritage which we have a responsibility to pass on and not destroy. It cannot be re-produced once lost.</p> <p>I urge you to reject this planning application.</p>

## Site Description

The site is three storey end terrace property which is located on the corner of Hampstead High Street and Flask Walk. The site is located within the Hampstead Conservation Area and while the building is not listed, it is recognised as making a positive contribution to the character of the conservation area.

There are several Grade II listed buildings in close proximity to the site (as shown in yellow below):

- No.'s 1, 3, 5, 7 and 9 Flask Walk which are North of the site
- Nos. 2, 4 and 14 on the other side of Flask Walk to the West of the site
- 45 and 46 Hampstead High Street to the East of the site



The Hampstead Conservation Area Statement identifies Hampstead High Street as the principal public street of the Conservation Area and has the character of a small town shopping centre.

## Relevant History

### Application site

None relevant

## Relevant policies

National Planning Policy Framework (2018)

London Plan (2016)

Draft New London Plan (2017)

### Camden's Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- G1 Delivery and location of growth
- H1 Maximising housing supply
- H3 Protecting existing homes
- H6 Housing choice and mix
- H7 Large and small homes
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- 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

### Supplementary Guidance

- CPG 1 – Design (2015 updated 2018)  
Chapters:  
1 - Introduction  
2 - Design excellence  
3 - Heritage  
4 - Extensions, alterations and conservatories
- CPG 6 – Amenity (2011 updated 2018)
- CPG Amenity (2018)  
Chapter 2: Overlooking, privacy and outlook

Hampstead Conservation Area Statement (2001)

Hampstead Neighbourhood Plan (2018)

- Policy DH1: Design
- Policy DH2: Conservation Areas and Listed Buildings

## Assessment

### 1.0 Proposal

1.1 Planning permission is sought for:

- Erection of a two storey rear extension at first/second floor
- Conversion of existing 3 bed flat to provide 2 x 1 bed flats

### 2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Design, Appearance and heritage
- Impact on the amenity of adjoining occupiers
- Impact on amenity of future occupiers
- Transport

### 3.0 Design, appearance and heritage

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Camden's design policies are supported by Camden Planning Guidance 1 (Design). Policy D2 additionally states that the Council will only permit development within conservation areas that preserves or enhances the character and appearance of the area.

3.2 Policy DH1 of the Hampstead Neighbourhood Plan states that development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported. Policy DH2 states that New development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas. In addition development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the Conservation area.

3.3 Camden Planning Guidance document (CPG) 1: Design outlines that rear extensions should be subordinate and proportionate to the host property, respect and preserve the original design and proportions of the building, including its architectural period and style and respect and preserve the historic pattern and established townscape of the surrounding area.

3.4 It further states that extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged. In higher extensions a smaller footprint will generally be preferable to compensate for any increase in visual mass and bulk, overshadowing and overlooking that would be caused by the additional height. The width of rear extensions should be designed so that they are not visible from the street and should respect the rhythm of existing rear extensions. This guidance also advises that the rear of some buildings may be architecturally distinguished, either forming a harmonious composition, or visually contributing to the townscape. The Council will seek to preserve these where appropriate.

3.5 This proposal does not comply with the guidance outlined in CPG1 in regards to its siting and scale and does not take into consideration the existing character and appearance of the host property,

streetscape or wider conservation area. The development is considered contrary to CPG1, however, there is no objection to the materials as they will match the host property.

3.6 The Hampstead Conservation Area statement identifies Hampstead High Street as a key road within the conservation area that contributes greatly to its character and appearance. The adhoc nature of development along Flask is also part of the charm of the area and the rationalisation of this would erode the character of this passage. The Council's Conservation Officer objects to this scheme.

3.7 It is noted that the site's open location on the corner between Hampstead High Street and Flask Walk would make the extension highly visible to the rear of the property and disrupt and obscure historic views along Flask Walk harming its character and appearance of this street. The proposal is for a two storey rear 'L' shape wrap around extension at first and second floor which will result in the infill of the existing rear terrace at first floor and loss of this amenity space.

3.8 The extension would appear unacceptably bulky and would harm the character and appearance of the conservation area and the setting of the adjacent listed buildings. At present, the rear parts of the building are subordinate to it, being one storey at ground floor, with an historic set-back two storey closet wing above. The vintage of this wing is attested to by its corner fireplace at second floor. The proposal would build out the historic closet wing, effectively destroying it, and obliterating the historic relationship between the principal building facing the main road and the lesser side elevation facing the alley, so harming the urban grain. The infill of this site, therefore would appear dominant in relation to its smaller scale neighbours on Flask Walk and not reflect the prevailing small scale pattern of development currently present along this street resulting in a prominent overdevelopment of the site.

3.9 It is noted that there are number of Grade II listed buildings in close proximity to the application site at No.'s 1, 3, 5, 7 and 9 Flask Walk which are North of the site, Nos. 2, 4 and 14 on the other side of Flask Walk to the West of the site and 45 and 46 Hampstead High Street to the East of the site. From the corner of Hampstead High Street and Flask Walk, the extension would obscure views of the Grade II listed No.1-3 Flask Walk including their historic rooflines and erode the open character and appearance created by the set back of the host property at first and second floor. Therefore the bulky new addition would substantially obscure the grade-II-listed buildings on Flask Walk, so harming their setting. Since it would have the scale of a main-road frontage it would be an ungainly neighbour among the small-scale structures of Flask Walk and would obscure the pattern of development, so harming the conservation area. Overall It is considered that the siting and bulk of the development would have a detrimental impact on the setting of these listed buildings particularly those located on Flask Walk in addition to causing harm to the setting of the Hampstead Conservation Area which identifies Hampstead High Street and Flask Walk as key areas that reflect the character of the conservation area.

3.10 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

3.11 This development is considered to be a detriment to the character and appearance of the existing building, the street scene and the Hampstead Conservation Area. This proposal is therefore contrary to policies D1 and D2 the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.



#### **4.0 Neighbouring Amenity**

4.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

4.2 It is noted that No.41 which adjoins the site to the North contains a flat (C3) at first and second floor. However there does not appear to be any windows at first and second floor of their rear elevation. The proposal is not considered to impact on the amenity of this property. Two small rear windows are proposed on the rear elevation, they will each serve a bathroom of each new flat and be obscurely glazed to protect the privacy of neighbouring properties. Although the extension would bring the building closer to No.1 Flask Walk, a separation distance of at least 2.5m would be maintained. It is noted that the front rooms of No.1 Flask Walk at first and second floor are served by two windows and the proposal would not contribute to loss of light or a sense of enclosure to an extent that would warrant a reason for refusal.

4.3 It is noted that the three existing side windows to the rear of the property at first and second which face onto No.42 Hampstead high street both serve bathrooms and are obscurely glazed. Records show that No.42 is divided into 5 flats. The proposal will bring the property closer and introduce four larger non-obscure windows at the same levels which will face onto No.43's windows at first and second floor. It is considered that the development would create overlooking issues and loss of privacy to this property.

4.4 The other neighbouring properties are considered to be sufficiently set away for the proposal to have a detrimental impact on their amenity in terms of loss of light or a sense of enclosure.

#### **5.0 Amenity of future occupiers**

5.1 The proposed extension would result in the loss of the existing amenity space provided by the rear balcony at first floor. Although its loss would result in a poorer quality of amenity for the proposed flats it would not form a reason for refusal.

5.2 The 1<sup>st</sup> floor flat would provide 51sqm (1b2P) and the 2<sup>nd</sup> floor flat would provide 53sqm (1b2P). Both proposed 1B2P flats would comply with the minimum space standards which states that they must be at least 50sqm. All habitable rooms will be served by a window. It is considered that both flats would provide a reasonable standard of accommodation.

#### **6.0 Transport**

6.1 Highways officers have been consulted and determined a Construction Management Plan (CMP) and its associated monitoring fee of £3,136 would be required. The site is in a town centre location with a high pedestrian volume and in close proximity to the tube and a pedestrian crossing. Concerns for pedestrian and cyclist safety during loading/unloading would also be an issue as the area is already heavily congested. If the development had been acceptable this would have been secured by a S106 legal agreement. In absence of this agreement it forms a reason for refusal. A highways contribution would not be required in this instance

6.2 To comply with Policy T2 of the Camden Local Plan the development would have to be car-free. If the development had been acceptable this would have been secured by a S106 legal agreement. In absence of this agreement it forms a reason for refusal.

6.3 Although the proposal does not provide cycle parking in accordance with London Plan requirements, this would be considered acceptable in this instance given the constrained nature of the site and lack of space. It would therefore not be reasonable for cycle parking to be included as a reason for refusal on this site.

## **7.0 Conclusion**

7.1 To conclude the proposal is contrary to CPG1 and policies A1, D1 and D2 of Camden's Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. In absence of a S106 legal agreement to secure the development as car free and a CMP they are considered reasons for refusal.

## **8.0 Appeal against non-determination ( ref 3206236)**

8.1 The applicants have submitted an appeal against non- determination and therefore the Council cannot determine the application. However the Council seeks to advise the Planning Inspectorate what the Council's decision would have been.

8.2 The appellant has not submitted an appeal statement. Subsequently they have submitted a statement regarding the new NPPF. This is summarised below and addressed.

8.3 The appellant's statement about the new NPPF which was adopted in July 2018 contains excerpts that highlights the NPPF's focus on sustainable development, housing density, development enhancing Conservation Areas/local character, and not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. It does not directly or clearly link these paragraphs in detail to the proposal.

8.4 Within the design and access statement submitted with the application, it incorrectly identifies the site as not being a locally listed heritage asset and therefore they did not consider the site to make a positive contribution to the Conservation Area. The Hampstead Conservation Area Statement recognises the building as making a positive contribution to the character of the conservation area. While the NPPF encourages sustainable development and the use of brownfield sites to improve density for new housing this is assessed against the potential harm of the development on the host property, neighbouring heritage assets, conservation areas and neighbouring properties amenity. It is considered that the harm caused to the character and appearance of the host property, conservation area, setting of listed buildings in close proximity and amenity of neighbouring properties does outweigh the benefit of 1x additional small unit. The adoption of the new NPPF does not change the Council's view of this proposal.

## **9.0 Recommendation**

9.1 Planning permission would have been refused.