

**Hogan  
Lovells**

19 October 2018

Planning Department  
London Borough of Camden  
2nd Floor, 5 Pancras Square  
c/o Town Hall  
Judd Street  
London WC1H 9JE

Claire Dutch  
Partner, Head of Planning

Attention: Ms Nora-Andreea Constantinescu

Dear Sirs

**PLANNING APPLICATION REFERENCE 2018/4295/P AND LISTED BUILDING APPLICATION REFERENCE 2018/9464/L ("APPLICATIONS")**  
**NETLEY COTTAGE, HAMPSTEAD, LONDON NW3**

We act on behalf of Mr & Mrs Berendsen, the owners and occupiers of Grove Lodge, Admirals Walk, Hampstead. Our clients' property is immediately adjacent to Netley Cottage, the subject of the above Applications. Our clients OBJECT to the Applications.

The planning application proposes the construction of a double storey flat roofed extension to a listed building in a conservation area ("the Proposal"). The Proposal, if granted, would have a significant and detrimental impact upon our clients' amenity and enjoyment of their property. The design of the Proposal will also impact negatively on two listed buildings and the conservation area. The Proposal is not in conformity with the development plan and national and local guidance.

#### **Objection**

As you are aware, the law requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. Such material considerations can include national policy and national and local guidance. It is our clear view that the Proposal does not accord with the statutory development plan or the Council's recently adopted guidance.

Our clients have instructed planning consultants to carry out an independent assessment of the Proposal against the relevant national and local planning policies. Please find attached, as Appendix 1 to this letter, Planning Potential's report.

You will note that our view is corroborated by Planning Potential's independent review, as set out in their report.

In summary:

- **The Proposal does not accord with the Camden Local Plan 2017 and, in particular, policy A1 (Managing the Impact of Development).** This policy states that the Council will seek to protect the quality of life of occupiers and neighbours. The Proposal will have an adverse dominant presence when viewed from our clients' property. The height and bulk of the Proposal will impact negatively and will be overbearing. Its two storeys, in very close proximity (less than one metre) to the listed boundary wall between the properties, will have a stark visual impact from the rear windows of Grove Lodge and, in particular, from its garden. At Appendix 2 we have set out architectural sketches, commissioned by our client, which demonstrate the dominance of the Proposal when seen from the first floor rear windows of our clients' property. The sketches also show the impact of the "block" form of the extension, protruding well above the listed boundary wall, in the direct sightline of our clients' garden. Although the Proposal is 5.2 metres above the existing terrace level of Grove Lodge, the height will increase to 6 metres when our clients implement their consent to develop at the rear of their property.
- **The Proposal does not accord with policy D2 (heritage) in the Camden Local Plan 2017.** This states that the Council will resist proposals for alterations or extensions to a listed building where this would cause harm to the special architecture and historic interest of the property. By the construction of a flat roof extension of approximately five metres in height, the proposal is far from sympathetic to the host Grade II eighteenth century listed building and the Hampstead Conservation Area generally. The scale, massing and form of the modern extension, with its flat roof, is heavy-handed and unsympathetic to the architectural quality and character of the host building. Equally, it will have a detrimental impact on the setting of our clients' adjacent grade II listed property. The main façade of our clients' property is the rear façade. The sketches at Appendix 2 show the clear harm to the setting of the listed Grove Lodge when the modern block-like extension is viewed with the backdrop of the rear façade of our clients' property.
- **The Proposal does not accord with the Hampstead Neighbourhood Plan 2018 and, particularly, policies DH1 and DH2.** These policies reinforce that any development should respond positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey height of the surrounding buildings. The Proposal clearly does not comply with this and is out of place with its bulk, height and massing. Further, it detracts from the architectural significance of Netley Cottage.
- **The Proposal does not accord with Camden's Planning Guidance on Design (2018).** This Guidance is a material consideration in the planning process. It has recently been adopted and is highly relevant in relation to rear extensions. The guidance states that rear extensions must be subordinate to the host building and in particular states (paragraph 4.13) the height of the extension should not exceed the height of one storey below the roof eaves/parapet. The Proposal, being two storeys, clearly contravenes this guidance.

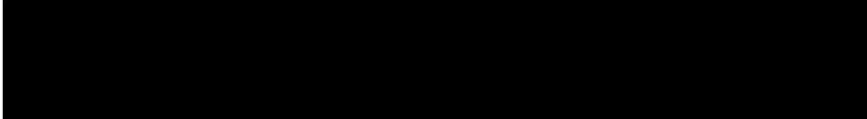
### Summary

For the avoidance of doubt, our clients have no objection to the extension of Netley Cottage in principle and would not object to a ground floor and/or basement development. Our clients have communicated this to the owner of Netley Cottage. In fact, when our clients purchased Grove Lodge there was an understanding (documented in a legal Agreement) that the owner of Netley Cottage would pursue a basement extension. The Proposal goes well beyond what was originally discussed.

Our clients are happy to invite the Planning Case Officer to their home to better demonstrate the significant and negative impact the Proposal will have on their property.

We urge the Council to apply correctly the policies in the statutory development plan and its own recently adopted guidance to reject the Applications.

Yours faithfully

A large black rectangular redaction box covering the signature area.

**APPENDIX 1**

**Planning Potential's Independent Report (October 2018)**

## Netley Cottage/ 10 Lower Terrace Advice Note



### Client Brief

Planning Potential have been instructed by Mr and Mrs C Berendsen to assess [REDACTED] two-storey side extension proposals (Application Refs - 2018/4295/P & 2018/4964/L). This advice is based on a review of the following architectural drawings and reports: DM01, PR01 Rev. A; PR02 Rev. A; PR03 Rev. A; PR07 Rev. A; PR08 Rev. A; PR09 Rev. A; PR10 Rev. A; PR11 Rev. A, Planning, Design & Access Statement, Historical Buildings Impact Assessment, Arboricultural Assessment, Structural Report. It has also considered the pre-application advice issued by Camden Council on 26.10.2017 (Ref - 2017/4569/PRE).

The report will briefly give a description of the site and planning history. It will then outline the planning policy context and consider the proposals against the pertinent planning policy objectives.

### Site Context

Netley Cottage is a Grade II Listed property and is located within Hampstead Conservation Area. It is a two-storey building located in the furthest point south west of the site. There is a large garden off the north-west corner of the building.

The building itself immediately abuts Grove Lodge to the south, Admiral's House to the east and Grove End to the north. Access to the property is from Lower Terrace.

### Site Planning History

The relevant planning history of the site is as follows:

**HB1554** – The erection of a single storey extension, cladding of the part of the first floor with weatherboarding, and carrying out of internal works – Approved 8<sup>th</sup> December 1976.

This included a minor extension to the existing utility room which was built in the 20s to form new kitchen. This extension was implemented.

**2011/2588/P & 2011/2588/P** – Excavation of part of the garden area to incorporate a swimming pool with associated facilities to residential dwelling (Class C3) – Registered in August 2011 but later withdrawn.

**2013/0480/P & 2013/0495/L** – Excavation of part of the garden area to incorporate a swimming pool with associated facilities to residential dwelling (Class C3) – Refused on 14<sup>th</sup> June 2013.

### Policy Framework

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. It also provides guidance on how to draw up Development Plans and policies.

The overarching National Planning Policies comprise the National Planning Policy Framework (NPPF) (2018), supported by the National Planning Practice Guidance.

The Development Plan consists of the following relevant documents:

and do not prejudice the ability of the garden to support trees where they are part of the character of the area.

#### **Hampstead Neighbourhood Plan 2018**

**Policy DH1 (Design)** states that development proposals should respond positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of the surrounding buildings, and should protect the amenity and privacy of neighbouring properties.

**Policy DH2 (Conservation Areas and Listed Buildings)** states that planning applications within the Conservation Area must have regard to the guidelines in the relevant Conservation Area Appraisal and Management Strategies. New development should take advantage of opportunities to enhance the Conservation Areas and protect and enhance buildings which make a positive contribution to it.

**Policy BA2 (Basement Construction Plans)** states that a Basement Construction Plan should be submitted when demonstrated as necessary by the BIA for a basement proposal. The BCP must include information how the construction will overcome potential harm to neighbouring properties and must demonstrate that they are using the best available piling method to minimise damage to neighbouring properties.

**Policy BA3 (Local requirements for Construction Management Plans)** states that proposals for basement development should be accompanied by a Construction Management Plan which includes adequate information to assess the impact of the construction phase.

#### **Design Camden Planning Guidance (CPG) 2018**

At Section 4, this CPG states that alterations should always take into account the character and design of the property and its surroundings. Windows, doors and materials should complement the existing building. Rear extensions should be secondary to the building being extended.

At paragraph 4.12, it then goes on to state that rear extensions should be secondary to the building being extended in terms of location, form, scale, proportions, dimensions and detailing. They should not cause loss of amenity to adjacent buildings with regards to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/ outlook and sense of enclosure. It should retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area.

At paragraph 4.13 it states:

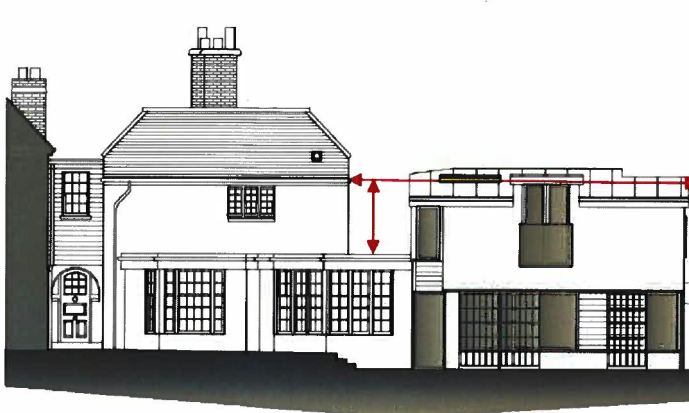
*'In most cases, extensions that are higher than one full storey below roof eaves/ parapet level, or that rise above the general height of the neighbourhood projections and nearby extensions will be strongly discouraged.'*

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.

#### **Camden Pre-Application Advice**

The pre-app response (2017/4569/PRE) dated in October 2017 related to a different proposal for a two-storey annex extension on the side of the property. The Council did





It is not clear why this contradiction with this part of the guidance has not been referred to within the Camden pre-app advice. Furthermore, it is clear that the proposal is not tucked under the eaves of the two-storey extension as the pre-app advice indicates as possibly being acceptable.

With regards to Policy D2 of Camden's Local Plan, it is considered the current proposal, in particular the first-floor element, may impact on the main listed rear façade of Netley Cottage detracting from its architectural significance. It also impacts on the setting of Grove Lodge as it can be viewed over the boundary wall from the listed house and garden.

Section 4, this CPG states that windows, doors and materials should complement the existing building. It appears the material and the detailing does not complement the host building as it is not similar in nature, nor complementary. Indeed, it is questioned whether more of a lightweight glazed building with a flat roof may be more appropriate as it would be simple and discreet and would not compete with the architectural style of the listed building.

#### Amenity

In light of Policy A1, it is considered that the first-floor extension potentially might be overbearing and impact upon Grove Lodge's visual privacy given its height and its location 600mm from the boundary wall. The pre-app response is clear that the proposal should not introduce any concerns with regard to detrimental harm to residential amenity on the surrounding properties.

It is considered that mature trees may be more sympathetic than a living wall along the Grove Lodge boundary, so this should be pursued instead.

The first-floor extension will be easily visible from Grove Lodge's first-floor windows, although it does not appear it will block Grove Lodge's daylight/sunlight, the first-floor element will be in Grove Lodge's direct line of sight impacting upon their visual amenity.

There are no windows on the southern elevation, so it is understood that overlooking is not going to be an issue, but there might be an issue of light pollution spilling from the rooflight now proposed, so the rooflight must be set at an angle facing away from Grove Lodge.

**APPENDIX 2**

**Architectural Sketches:**

- View from the first floor bedroom of Grove Lodge (before and after)
- View from the garden of Grove Lodge (before and after)



