
Planning statement

26 Netherhall Gardens, London, NW3 5TL



1. Introduction

- 1.1. This planning statement has been prepared on behalf of our client, Dome Assets Ltd, in support of a planning application relating to development at 26 Netherhall Gardens, London, NW3 5TL. The proposed development involves the demolition of the existing two storey garage structure and extension of the building with a three storey side wing plus part basement to create four new residential units.
- 1.2. This statement has been set out under the following headings:
- Section 2 – Site, surrounds and planning history;
 - Section 3 – Proposal;
 - Section 4 – Planning policy framework;
 - Section 5 – Planning considerations;
 - Section 6 – Conclusions.
- 1.3. This statement should be read in conjunction with the following documents:
- Application and CIL forms;
 - Location plan and Site location plan prepared by Squire and Partners;
 - Design and Access Statement including existing, demolition and proposed drawings prepared by Squire and Partners;
 - BRE Daylight and Sunlight Reports (internal and neighbour) prepared by Rights of Light Consulting;
 - Tree report, Tree schedule and Tree plans prepared by Crown Consultants;
 - Energy and Sustainability Statement prepared by Mecserve;
 - Basement Impact Assessment prepared by Sinclair Johnston;
 - Structural Design and Construction Statement prepared by Sinclair Johnston.

2. Site, surroundings and planning history

Site Context

- 2.1. 26 Netherhall Gardens is situated in Camden's Frognal and Fitzjohns Ward. The site is located on the eastern side of Netherhall Gardens between Finchley Road and Fitzjohn's Avenue. The site is located in a predominantly residential area albeit it is close to major and neighbourhood centres, including Finchley Road and Hampstead High Street. The site has a PTAL of 6A. The site is well served by public transport with both Finchley Road underground station and Finchley Road and Frognal overground station located approximately 0.3 miles to the east. Many bus routes pass along Finchley Road and Fitzjohns Avenue to the east.



Image – photograph of the existing building at 26 Netherhall Gardens

- 2.2. The site contains a 4 storey residential building, with attached garage structure and off-street parking. The residential building dates from the later part of the nineteenth century. It has an exposed lower ground floor and a steeply pitched roof with two large dormers to the front elevation. It is comprised of brown stock brick, red brick dressings and a clay tile roof. The building has been subject to various alterations over time which have diminished its overall appearance; the chimney stacks have been lost or cut back, the front garden area has been excavated and a complicated staircase has been constructed. The attached garage dates from the 1950s; it comprises two levels; the lower floor comprising one vehicle parking space and the upper floor comprising a 1 bedroom residential dwelling. The garage structure is of low design quality and it is commonly agreed that it detracts from the overall appearance of the site and the conservation area. There is a large area of hardstanding in front of the building providing parking space for 2 vehicles.

Planning statement

26 Netherhall Gardens, London, NW3 5TL



- 2.3. The surrounding area is predominantly residential in character. The east side of Netherhall Gardens comprises substantial three and four storey detached and semi-detached dwellings; while the western side comprises dwellings comprising five storeys. The residential buildings generally date from the later quarter of the nineteenth century and display characteristics of the Queen Anne and Domestic Revival including purple and red brick, decorative ironwork, rubbed and carved brick, bargeboard and roof details.
- 2.4. While there is general uniformity to the number of storeys and design characteristics, there are overall variances in height and built form within the surrounding area. The following diagram demonstrates that the building at 26 Netherhall Gardens sits above the height of the adjoining dwellings along the eastern side of Netherhall Gardens. It also demonstrates that there are varied building forms; the buildings immediately to the north comprise a primary form only; while the buildings immediately to the south comprise a primary form as well as a secondary side wing extension. 26 Netherhall Gardens is the anomaly in the immediate streetscape in that it currently features a 1950s side garage extension.



Image – streetscene sketch showing the 26 Netherhall Gardens within its context

- 2.5. The application site lies within the Fitzjohns / Netherhall Conservation Area, which was designated in 1984. The Conservation Area is characterised by large detached and semi-detached houses and a great variety of architectural idioms, including the various revival styles of the 19th Century and examples of the Arts and Crafts movement and vernaculars dating from the end of that century and into the early Twentieth. The Fitzjohns / Netherhall Conservation Area Statement identifies the existing building as making a positive contribution to the character and appearance of the Conservation Area. The building is not Listed.
- 2.6. The application site has no other planning designations.

Planning History

- 2.7. 26 Netherhall Gardens has a long planning history. A summary is set out below.
- A planning application (2014/6224/P) for the *erection of a four storey plus basement detached building to provide 5 self-contained residential units...including hard and soft landscaping, new boundary treatment and the provision of off street car parking, following demolition of the existing building* was refused by the Council in January 2015.

- A planning application (2015/3314/P) which sought to respond to the reasons for refusing the previous planning application (2014/6224/P) was submitted. The Council failed to make a decision on the planning application and a non-determination appeal was submitted to the Planning Inspectorate. A planning appeal (APP/X5210/W/16/3145922) was considered at a hearing on 12 July 2016 and a decision dismissing the appeal was issued on 7 October 2016.
- A planning application (2017/0579/P) which sought to respond to the reasons for dismissing the appeal (APP/X5210/W/16/3145922) was submitted. The application was refused by the Council in April 2018. A planning appeal (APP/X5210/W/18/3204394) is currently being considered by the Planning Inspectorate.

2.8. The proposal being submitted as part of this planning application differs from the planning applications and appeals set out above in that it proposes the demolition of the existing 1950s garage structure only; and the extension of the existing building to provide 4 new residential units. Despite being different in character than the previous application and appeal schemes, the most recent appeal (APP/X5210/W/16/3145922) and application 2017/0579/P conclude on several matters which relate to and/or support the current proposals for the site. These include:

- Appeal paragraph 18: *Properties within Netherhall Gardens are generally closely spaced with a common building line.*
- Appeal paragraph 18: *Large detached or semi-detached houses are generally laid out on substantial plots and demonstrate consistency in terms of scale, massing and to some degree the use of material.*
- Appeal paragraph 20: *The southern flank wall of the appeal property is plain and does little to contribute to the character of the conservation area. It has some prominence within the street scene because of the considerable gap at upper levels between no. 26 and no. 24a to the south. This gap is much larger than those between other properties in this part of the road and particularly those properties opposite the appeal site including nos. 19 to 34 which appear as a terrace in oblique views.*
- Appeal paragraph 22: *The contribution of 26 Netherhall Gardens to the conservation area is compromised by the later alterations including the excavation of the basement level, flat roofed extension at ground level and the unsatisfactory arrangement of steps to the front elevation, the effect of which has been to detract from the grand appearance which is characteristic of its neighbouring properties.*
- Appeal paragraph 23: *The later alterations to no. 26 do not contribute positively to the conservation area and significantly detract from the positive contributor status of the original building and the wider conservation area.*
- Appeal paragraph 24: *It would respond appropriately to its context and would appear as a large detached property in keeping with other grand houses in the locality. It would respect the prevailing building line to the street frontage and the different buildings lines provided by neighbouring properties to the rear.*
- Appeal paragraph 25: *A further benefit would be the closure of the gap at upper levels between nos. 26 and 24a and which would reduce the prominence of the flank wall.*
- Paragraph 25: *In terms of materials and detailing the proposal would also address the characteristics of the immediate locality.*

Planning statement

26 Netherhall Gardens, London, NW3 5TL



- Application paragraph 1.49: *The scheme involves the removal of T6 (lime), T7 (holly), T8 (lime), T9 (yew), T10 (holly) from the rear garden of the property close to the boundary of the site with no. 24a Netherhall Gardens to the south. The trees are growing in close proximity to each other in a row and form one cohesive unit which is considered to have adversely affected their form. The trees are between 3m and 5m in height and are not considered to be noteworthy examples of their species or to significantly contribute to the character of this part of the conservation area.*

3. Proposal

- 3.1. The proposed development involves the demolition of the existing two storey garage structure on the southern boundary of the site and extension of the building to form a new three storey (plus part basement) side wing extension to create four new residential units.
- 3.2. The proposal will result in the loss of one existing one bedroom dwelling however this will be replaced as part of the new proposals. The proposal will also result in the loss of one off-street garage parking space.

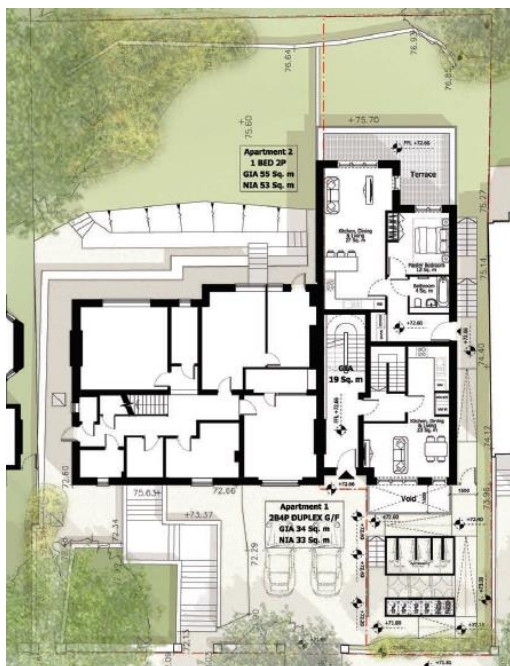


Image – photographs of the existing building showing the 1950s garage structure to be demolished

- 3.3. The new residential dwellings will be made up of 2 x 1 bedroom and 2 x 2 bedroom units. All units will benefit from private outdoor amenity space in the form of light well courtyard, terrace or communal garden to the rear of the property.
- 3.4. The extension has been designed to appear as a subservient side wing extension. It will be consistent with the height of the eaves of the retained building and will generally be in line with the height of the adjoining side wing extension at 24A Netherhall Gardens. The extension will respect the prevailing front building line and will respond to the rear building line of the adjoining property at 24A Netherhall Gardens. The form will be orthogonal to reflect the adjoining side wing extension at 24A Netherhall Gardens with progressive setbacks to the rear to respond to the amenity conditions of the neighbour.
- 3.5. The extension will comprise materials to complement the character and appearance of the retained building and surrounding area including two tones of brick, timber door, metal framed windows, natural stone or GRC mullion and window framing, and metal balustrade. The extension will comprise varying brick bonds to provide texture including vertical and horizontal Flemish and stretcher bond.

Planning statement

26 Netherhall Gardens, London, NW3 5TL



Images – plan of the proposed ground floor and drawing showing the front elevation of the proposed

- 3.6. Cycle parking and refuse and recycling storage will be discretely located to the front of the extension behind the existing boundary treatment. Parking for seven bikes and six bins are being provided.

4. Planning policy framework

Development Plan

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the development plan for the area unless any material considerations indicate otherwise. This legal requirement is reiterated in the introduction to the National Planning Policy Framework (NPPF).
- 4.2. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 the 'development plan' is:
 - The London Plan (2016);
 - Camden's Local Plan (2017).
- 4.3. The 'development plan' is supported by several supporting documents and guidance such as the Fitzjohns / Netherhall Conservation Area Statement (2001) and Planning Guidance documents 1 to 8.

National Planning Policy Framework

- 4.4. The National Planning Policy Framework (2019) (NPPF) is a material consideration; it sets out the Government's planning policies for England and how these should be applied. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) which has three overarching objectives: economic, social and environmental (paragraph 8). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). It sets out that planning policies and decisions should guide development towards sustainable solutions, taking into account local circumstances which reflect the character, needs and opportunities of each area.
- 4.5. A key focus of the NPPF is to significantly boost the supply of homes (paragraph 59). Paragraph 68 addresses the important contribution that small and medium size sites can make to meeting the housing requirements of an area, recognising that these are often built out relatively quickly. In order to promote the development of a good mix of sites, this paragraph sets out that local planning authorities should, support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 4.6. The NPPF introduces a new section (11) titled 'Making effective use of land' which sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. This paragraph also states that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

- 4.7. Chapter 12 of the NPPF titled 'Achieving well-designed places, outlines that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible. Paragraph 131 sets out that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 4.8. Chapter 16 sets the parameters for 'Conserving and enhancing the historic environment.' Paragraph 185 describes that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Under paragraph 192 in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance.

Emerging Policy

- 4.9. The Draft London Plan was published on the 29th November 2017 and was consulted on until March 2018. The draft London Plan is currently going through its examination in public which is continuing until May 2019. At the time of writing this statement, adoption of the new London Plan is expected during winter 2019 / 2020. The significance given to the draft London Plan is a matter for the decision maker but it gains more weight as it moves through the process to adoption.
- 4.10. The London wide Strategic Housing Market Assessments (SHMA) and Strategic Housing Land Availability Assessment (SHLAA) have identified a need of 66,000 additional homes per year. To achieve these housing targets, the overall average rate of housing delivery will need to approximately double compared to current average completion rates. Small housing sites policy H2 states that small sites (below 0.25 hectares in size) should play a much greater role in housing delivery in order to achieve the ten year housing targets set out in policy H1. Boroughs are encouraged to significantly increase the contribution of small sites to meeting London's housing needs and support well-designed new homes in order to diversify the sources, locations, type and mix of housing supply. The policy advise that boroughs should apply a presumption in favour of small housing development by supporting the demolition and/or redevelopment of existing houses and/or ancillary houses.

5. Planning considerations

5.1. The main planning considerations are:

- Land use
- Design and heritage
- Basement
- Amenity
- Environment
- Servicing

Land use

5.2. The following policies from Camden's Local Plan are relevant to land use:

- Policy G1 Delivery and location of growth
- Policy H1 Maximising housing supply
- Policy H3 Protecting existing homes
- Policy H4 Maximising the supply of affordable housing
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes

5.3. The proposed development will deliver four new residential units (uplift of 3) in a highly accessible location (PTAL 6A). This will contribute to the Borough's housing stock and count towards achieving the provision of 16,800 additional homes by 2031 in line with Policies G1 and H1. The development will be of a high quality, compatible with the local context, and will make an efficient use of the site also in line with Policies G1 and H1. The proposed development will bring forward the Borough's priority land use – self-contained housing – in line with Policy H1. In line with Policy H3, four of the five existing residential units will be retained on site; the proposal will re-provide one of the existing one bedroom dwellings.

5.4. The Borough's affordable housing targets as set out in Policy H4 are noted. Policy H4 sets out that the Council will seek a payment in lieu of affordable housing where developments have the capacity for fewer than 10 additional dwellings. A sliding scale target applies for developments which have capacity for less than 25 units, starting at 2% per home and increasing by 2% for each unit added. Targets are based on an assessment of development capacity whereby 100sqm (GIA) of floorspace is generally considered to create capacity for one home. It is noted that Policy H4 sets out in point c that targets are applied to additional floorspace proposed, not the existing or replacement floorspace.

Planning statement

26 Netherhall Gardens, London, NW3 5TL



5.5. The existing building provides 574sqm (GIA) of residential floorspace while the proposed development comprises 819sqm (GIA), equating to 245sqm (GIA) of additional residential floorspace. On the basis that 100sqm (GIA) provides capacity for one unit, the proposal has capacity for 2 units, and therefore the affordable housing target of 4% applies. It is understood the payment in lieu is calculated on a £2,650 per sqm basis. The policy complaint payment in lieu for affordable housing is therefore calculated as £27,346.41 (245 x 0.04 x 1.053 [to convert to GEA] x £2650). The Applicant is willing to provide this payment in lieu in line with Policy H4 and this can be secured by legal agreement.

5.6. The proposed residential units have been designed to be functional and adaptable, and to meet the nationally described space standards, in line with Policy H6. All units will be accessible and adaptable in line with Building Regulations M(2) as per paragraph 3.153 of the Local Plan. The units will comply with the nationally described space standards as set out in the table below.

| | | Proposed size | Standard | Complies |
|---------------|------------------------------|---------------|----------|----------|
| Unit 1 | Duplex, 2 bedroom (4 person) | 84sqm | 79sqm | Yes |
| Unit 2 | 1 bedroom (2 person) | 55sqm | 50sqm | Yes |
| Unit 3 | 2 bedroom (4 person) | 87sqm | 70sqm | Yes |
| Unit 4 | 1 bedroom (2 person) | 51sqm | 50sqm | Yes |

5.7. The proposed residential accommodation comprises 2 x 1 bedroom and 2 x 2 bedroom units (the existing 1 bedroom dwelling will be re-provided). Policy H7 sets out that a flexible approach to assessing the mix of dwelling sizes will be adopted in each development, considering the character of the development, site, surrounding area and any local constraints. Given that the proposal is for an infill development, that a one bedroom unit is being provided and four units are being proposed only, it is considered that the mix is entirely appropriate for the site and area. The proposal will deliver 2 x 2 bedroom units which are the priority in the Borough, 1 re-provided 1 bedroom unit and a further 1 bedroom unit which while being a lower priority will provide a greater number of new dwellings within a highly accessible area (PTAL 6A). On this basis, the proposed mix is considered to be in line with Policy H7.

5.8. The proposal will create good quality accommodation for future residents. Unit 1 will be over minimum size requirements, benefit from large windows providing outlook to Netherhall Gardens and have access to a private light well courtyard at lower ground floor level. Unit 2 will be over minimum size requirements, benefit from large windows providing outlook across the rear garden and have access to a private terrace to the rear. Unit 3 will be dual aspect and have access to a private terrace to the rear. Unit 4 will also be dual aspect and have access to a private terrace to the rear. The garden to the rear of the property will be made communal, with all residential units having access to this garden along the southern boundary of the site. All units will have good floor to ceiling heights (2.5m or 2.6m) and all will meet the BRE guidelines in terms of access to daylight and sunlight.

- 5.9. The provision of three additional residential dwellings on a previously developed clearly optimises the use of the site and makes the best use of a small site, directly in line with the NPPF and draft London Plan. The provision of three additional residential dwellings (four new dwellings) in a highly accessible area and provision of a policy compliant affordable housing payment are considered to be benefits of this scheme.

Design and heritage

- 5.10. The following policies from Camden's Local Plan are relevant to design and heritage:
- Policy D1 Design
 - Policy D2 Heritage
- 5.11. The existing building comprises a four storey house dating from the later part of the 19th century, subject to various alterations over time including a modern side extension and garage dating from the 1950s. The garage extension is of low quality design and execution which detracts from the appearance of the main building and has a negative impact on the conservation area. As set out in section 2 this was considered by the Planning Inspector (APP/X5210/W/16/3145922) at paragraphs 22 and 23 stating the contribution of 26 Netherhall Gardens to the conservation area is *compromised by the later alterations including the excavation of the basement level, flat roofed extension at ground level and the unsatisfactory arrangement of steps to the front elevation, the effect of which has been to detract from the grand appearance which is characteristic of its neighbouring properties. The later alterations to no. 26 do not contribute positively to the conservation area and significantly detract from the positive contributor status of the original building and the wider conservation area.* Furthermore, the Planning Inspector considered the demolition of the whole building to be acceptable and the Council adopted this position as part of the recent application (2017/0579/P).
- 5.12. On the basis that the existing garage extension is detrimental to the streetscape and complete demolition has previously been supported by the Planning Inspector and Council, its demolition is considered acceptable within the context of Policy D2. Furthermore, given that it currently has a negative impact on the conservation area, its demolition brings forward an opportunity to enhance the site and wider area. This proposal will retain the existing 19th century building.



Image – front elevation of the existing building showing the proposed demolition in red

Planning statement

26 Netherhall Gardens, London, NW3 5TL



- 5.13. The proposed extension has been designed to a very high quality. The design intention is to complement and respect the host building, surrounding context and conservation area in terms of form, materials and detailed design. The design is very deliberate in that it creates a subservient side wing extension to the existing building, in line with the form of other buildings situated along Netherhall Gardens and in particular the adjoining neighbour at 24A Netherhall Gardens, and taking design cues from particular and notable buildings within the streetscape including 28 Netherhall Gardens and the listed building at 50 Netherhall Gardens. Another key driver of the form and design was the protection of neighbouring residential amenity. The accompanying Design and Access Statement prepared by Squire and Partners explains the proposal in detail. The section below provides an assessment in terms of Policies D1 Design and D2 Heritage.
- 5.14. The proposed footprint is informed by the surrounding buildings and adjoining neighbour at no. 24A. The proposed ground floor is in line with the prevailing front building line, creates greater relief to the southern boundary in comparison with the existing and generally is in keeping with the depth of the adjoining building at no. 24A. The first floor sets in at the rear to ensure general consistency with the depth of no. 24A, while the second floor sets in at the front, side and rear to minimise building mass and ensure that amenity impacts on neighbours are minimised. The front building line is shown on the image below. This contextual front building line would respect the prevailing building line as commended by the Planning Inspector in paragraph 24 and have greater flexibility to the rear as noted by the Planning Inspector.

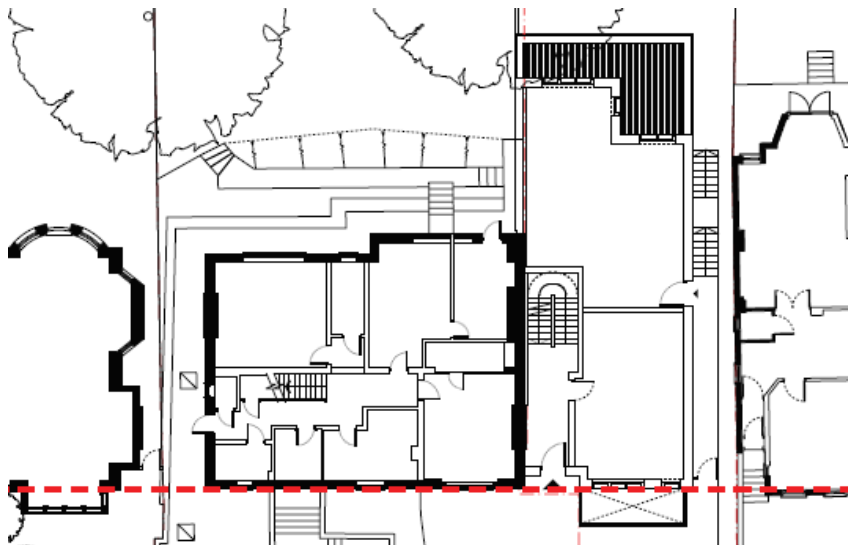


Image – plan showing the alignment of the proposal with the prevailing front building line

- 5.15. The height of the extension corresponds with the eave height of the retained host building and generally replicates the parapet line of the side extension at no. 24A. This forms three levels across ground, first and second floor (with a part lower ground floor below). The proposed building height is shown on the image below.

Planning statement

26 Netherhall Gardens, London, NW3 5TL



Image – plan showing the contextual height of the proposal referencing the eave line of no. 26 and parapet line of no. 24A

- 5.16. The proposed extension generally adopts an orthogonal form, consistent with other side extensions found along Netherhall Gardens and in particular the immediate neighbour at no. 24A. In terms of volume, the proposal will create a better balance between the pair with the main house and side wing appearance. The resultant recession and projection of bays will ensure that the extension is not monolithic and will reflect the varied character of neighbouring buildings within the conservation area.
- 5.17. The proposal will institute a building gap which is characteristic of Netherhall Gardens and the conservation area (referred to in paragraph 18 of the appeal decision). It will also repair the harm caused by the unusually large gap between the existing building and no. 24A as well as the uncharacteristic appearance of the flank wall (as discussed in appeal paragraph 20). A comparison of the existing and proposed gap is shown below.



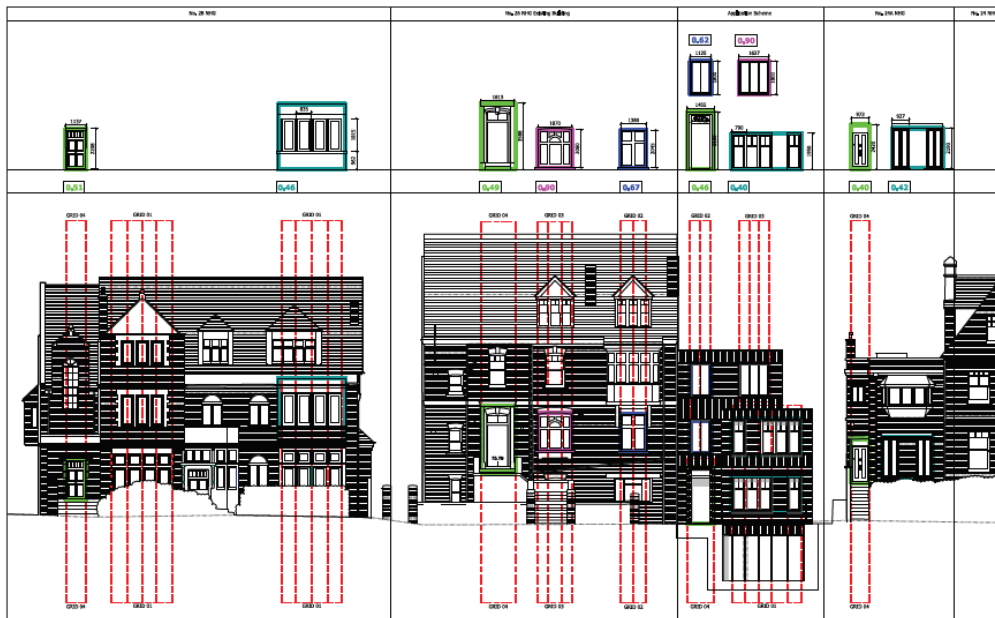
Image – plans illustrating that the uncharacteristic existing gap between nos. 26 and 28 will be closed by the proposal

Planning statement

26 Netherhall Gardens, London, NW3 5TL



- 5.18. The detailed design interprets the local vernacular, including the Arts and Crafts building style and Fitzjohn's Netherhall conservation area, in a contemporary way. The fenestration has been inspired by the bay window found at no. 28 and the historic windows to the host building, albeit the fenestration and extent of glazing is restrained to ensure the appearance of a side wing extension. The ground and first floors are expressed to mirror the contextual hierarchy of buildings, while the second floor is more diminutive through its fenestration.



Images – photograph identifying the bay window at 28 Netherhall Gardens and illustrating showing the contextual approach to the proposed fenestration

Planning statement

26 Netherhall Gardens, London, NW3 5TL



- 5.19. The materials proposed respect the Arts and Crafts building style as well as reflect the materials found locally within the conservation area. Brick is the predominant material proposed; the quality and expression of this material is enhanced through the use of hand-made and special bricks. Two tones of brickwork are used to provide richness and delineate the recessed and projected elements and also reflects the two tones that are represented on the retained host building. The articulation of the brickwork including patterns and orientation has been inspired by the most distinguished building in the area (listed building at 50 Netherhall Gardens). Timber doors, natural stone, metal framed windows and balustrades ensure the proposal is finished to a very high quality and reflect the best examples of local buildings.



Image – artist's impression of the proposals showing the use and variety of materials

- 5.20. The resultant proposals are well considered, contextual and attractive. They are appropriately restrained to ensure that they complement rather than compete with the retained host building. The replacement of the existing modern side extension with a new high quality extension which complements and respects the host building as well as the nature of the surrounding area is considered to be a positive outcome for the site. For the reasons set out above, the proposal is considered to be wholly in compliance with Policy D1.

- 5.21. Furthermore, this statement has described how the proposed development will be of good design in line with chapter 12 of the NPPF. In summary, the proposal will function well and add to the quality of the site and local area; the side extension is visually attractive and of good architecture reflecting local influences; the design is wholly sympathetic to local character and history picking up on historical references found within the local architecture and notable listed buildings such as 50 Netherhall Gardens; the proposal will optimise the use of the site providing four new dwellings and will be safe, inclusive and accessible. On this basis it is considered that great weight should be given to the proposed design, which will raise the design standard of the site and streetscape, entirely influenced by the surrounding prevailing form and layout.
- 5.22. The preceding sections have described how the proposal will remove the 1950s garage structure which detracts from the character and appearance of the site and conservation area, and will replace this with a high quality side extension which respects the prevailing form and scale of the area and employs materials and details which are characteristic of the local context. The closure of the uncharacteristic gap between nos. 26 and 24A is considered to be a benefit as is the covering of the southern flank wall. The replacement extension is considered to enhance the conservation area in compliance with Policy D2 and is also considered to be a benefit of the proposed development. Chapter 16 of the NPPF is noted and in particular the reference to local planning authorities looking for opportunities for new development within conservation areas to enhance or better reveal their significance. On the basis that the proposed development enhances and better reveals the significance of the conservation area, it is considered that the LPA should look favourably at the proposal.
- 5.23. As set out in the preceding paragraphs, the proposal will be inclusive and accessible and will incorporate good quality outdoor amenity space. The proposed accommodation will be of a high standard and the building will be of sustainable design and construction as discussed in further detail below.
- 5.24. The proposed development is accompanied by an Arboricultural Statement prepared by Crown Consultants which demonstrates that all existing trees which positively contribute to the character and appearance of the conservation area will be retained. There are five low quality trees (category C) located along the boundary with no. 24A which are proposed to be removed however these do not significantly contribute to the character of this part of the conservation area. Their removal was supported as part of the most recent appeal (paragraph 1.49 as set out in the preceding sections of this statement) and application and therefore is considered to be acceptable in respect to Policy D2.

Basements

- 5.25. The following policy from Camden's Local Plan is relevant to basements:
- Policy A5 Basements
- 5.26. For the purpose of Policy A5 the proposed lower ground floor is assessed as a basement level. The proposed ground floor is not a basement level as defined in the Local Plan or the supporting Basement Guidance as it is accessed at ground level at one side of the site (with no steps or ramps). This is consistent with the existing situation; excavation has not occurred to provide this access.

- 5.27. The proposed basement is modest in size (85sqm) and is located entirely below the new side wing extension. The supporting basement documentation prepared by Sinclair Johnson demonstrates that there will be no harm to neighbouring properties; or the structural, ground, or water conditions of the area in line with points a and b of Policy A5. The proposed basement will not cause harm to the character and amenity of the area in that the basement has been limited in size and the associated lightwell discreetly located and sensitively designed with metal railings so that it is not visible from within the streetscape and complimentary to the host building. This ensures compliance with points c and d of Policy A5. The proposed basement will not impact on the significance of the heritage asset (building within a conservation area) in line with point e of Policy A5.
- 5.28. As set out above, the planning application is accompanied by a Basement Impact Assessment prepared by Sinclair Johnson which provides an assessment of the proposed basement's impact on drainage, flooding, groundwater conditions and structural condition and a Basement Construction Plan can be secured by a planning condition or obligation.
- 5.29. The proposed basement has been designed to have minimal impact on, and be subordinate to, the host building. The basement is limited to 85sqm in size which is significantly less in area than the ground floor above. The table below provides an assessment and demonstrates compliance with points f to m of Policy A5.

Planning statement

26 Netherhall Gardens, London, NW3 5TL



| The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should: | | |
|--|-----------|--|
| Policy | | Applicant assessment / notes |
| f. not comprise of more than one storey; | Complies. | One storey only. Total excavation less than 4m. |
| g. not be built under an existing basement; | Complies. | No existing basement. |
| h. not exceed 50% of each garden within the property; <i>"applies to gardens as they currently exist and not the gardens of the proposed development"</i> | Complies. | Basement does not extend into rear garden area. Existing rear garden = 325sqm Existing front garden = 216sqm Basement = 85sqm |
| i. be less than 1.5 times the footprint of the host building in area; | Complies. | Footprint of proposed building = 363sqm Basement = 85sqm |
| j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation; | Complies. | Basement does not extend into the rear garden. |
| k. not extend into or underneath the garden further than 50% of the depth of the garden; | Complies. | Basement does not extend into the rear garden. |
| l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and | Complies. | Basement does not extend beyond the side boundary of the existing garage. |
| m. avoid the loss of garden space or trees of townscape or amenity value. | Complies. | Basement does not extend into the rear garden or beyond the side boundary of the existing garage. |

- 5.30. As set out above, the planning application is accompanied by a Basement Impact Assessment which demonstrates that the proposed basement will not cause harm to neighbouring properties, will not adversely affect drainage or cause runoff and will avoid cumulative impacts in line with points n, o and p.
- 5.31. The proposed basement will not cause harm to the amenity of neighbours in line with point q. It is limited to 85sqm, is sensitively located and setback from the property boundaries. The lightwell will be discreet and inset from the side boundary of the proposed extension. Sufficient area at the front, side and rear of the basement will be provided to allow opportunities for landscaping and planting (point r) and will not impact on existing trees (point u). As per point d, the appearance and setting of the property and surrounding area will not be impacted by the proposal and the basement will not compromise archaeology remains. The property is not located in an identified archaeology area (point t) nor is it in an area subject to flooding.
- 5.32. For the reasons set out above, it is concluded that the proposed development complies with Policy A5.

Amenity

5.33. The following policy from Camden's Local Plan is relevant to amenity:

- Policy A1 Managing the impact of development

5.34. The extension has been carefully designed to maintain the quality of life for the existing occupants of the host building and maximise the quality of life for future occupants. Adjoining residential amenity, particularly relating to 24A Netherhall Gardens, has also been well considered and has influenced the form and volume of the extension.

5.35. In terms of privacy, the extension will not comprise windows facing the southern boundary ensuring there are no overlooking or privacy impacts. The ground floor terrace will be sunken meaning there is no opportunities for a view towards no. 24A. The rear terraces positioned at the first and second floor levels will be modest in size, setback from the boundary with no. 24A and screened ensuring that there is no material impact to the adjoining neighbour. The angle of view is such that there will be no direct overlooking of habitable windows.

5.36. The nature of the sites topography (slope from front to back and north to south) means that the proposed ground floor corresponds with the lower ground floor of no. 24A, the proposed first floor corresponds with the ground floor of no. 24A and the proposed second floor corresponds with the first floor of no. 24A. This is represented on the proposed rear elevation below. At the rear, the proposed ground floor is sunken having no impact on the amenity of no. 24A. The footprint of the first floor generally reflects the footprint of the ground floor at no. 24A meaning that there is no unreasonable loss of outlook or a sense of enclosure to the neighbouring property. The second floor has been set in from the southern boundary and at the rear to ensure that sufficient outlook is maintained from the angled bedroom window at the first floor of no. 24A. Other windows to the rear elevation of no. 24A will continue to benefit from outlook to the rear.



Image – proposed rear elevation demonstrating the relationship between nos. 24A and 26

Planning statement

26 Netherhall Gardens, London, NW3 5TL



Image – proposed second floor demonstrating the setbacks that have been incorporated to maintain sufficient outlook from the angled bedroom window at no. 24A

- 5.37. The form of the extension was influenced by daylight/sunlight testing relating to no. 24A. The planning application is accompanied by a sunlight and daylight assessment prepared by Rights of Light which demonstrates that the proposed extension complies with the BRE Guidelines for daylight and sunlight in terms of habitable windows to no. 24A. Three particular windows are noted: two windows (nos. 77 and 78) which directly face the extension and a further angled window (no. 76) oriented towards the extension. Windows 77 and 78 are shown below; they are non-habitable, serving a bathroom and hall respectively, both comprising frosted glass. On the basis that they are non-habitable windows, it is concluded that there will be no adverse impact to the amenity of the property. Window 76 is habitable and serves a bedroom. Window 76 fully complies with the BRE Guidelines relating to daylight and sunlight.

Planning statement

26 Netherhall Gardens, London, NW3 5TL



Image – photographs showing non-habitable and obscured windows nos. 77 and 78

- 5.38. It is not considered that the proposal will result in noise and vibration above what is usually experienced within a residential area.
- 5.39. All other adjoining residential properties are located a sufficient distance away from the extension to avoid amenity impacts. It is noted that the proposed extension will cover four windows currently oriented to the southern boundary. However, these are small secondary windows and the rooms they serve will continue to benefit from large openings to the front and rear of the existing host building. Furthermore, all existing units will continue to benefit from sufficient outlook to the front and rear of the property and there is no opportunity for overlooking. On this basis, the amenity of the existing occupants at 26 Netherhall Gardens will be maintained.

Environment

- 5.40. The following policies from Camden's Local Plan are relevant to environment:
- Policy A3 Biodiversity
 - Policy CC1 Climate change
 - Policy CC2 Adapting to climate change
 - Policy CC3 Water and flooding

- 5.41. As set out previously, the development proposes the removal of five (T6 (lime), T7 (holly), T8 (lime), T9 (yew), T10 (holly)) low quality trees (category C) located along the boundary with no. 24A. These do not have significant amenity, historic, cultural or ecological value (or conservation area value) and their removal has been previously supported by the Planning Inspectorate and Council. Their removal is considered to comply with Policy A3. All other trees on the site are being retained by the proposals. No pruning works are required, no works or hard surfacing are proposed within root protection areas and tree protection measures are specified in the accompanying Arboricultural Statement prepared by Crown Consultants to protect the trees during construction.
- 5.42. The planning application is accompanied by an Energy and Sustainability Statement prepared by Mecserve which demonstrates compliance with Policies CC1, CC2 and CC3 as well as the London Plan. Key findings of the statement are set out below:
- 5.43. *The following passive and active energy efficiency features have been considered in the proposed strategy for 26 Netherhall Gardens:*
- *High performance building fabric of low U-values that exceed Part L minimum standards;*
 - *Double-glazed windows of low U-values will help reduce the heating demand further;*
 - *All junctions will conform to Accredited Construction Details thus eliminating thermal bridging;*
 - *Individual gas-fired condensing boilers of high efficiency will provide heating and domestic hot water to the newly built apartments;*
 - *All apartments will feature Mechanical Ventilation with Heat Recovery (MVHR) to make use of wasted heat of the exhaust air by preheating the incoming air;*
 - *Light fittings will be of low energy types;*
 - *Photovoltaic (PV) panels will be installed to generate renewable energy on site.*
- 5.44. *The new flats achieve significant carbon savings and comply with the Target Emission Rate (TER) set by Part L of current Building Regulations and Council carbon target i.e. a 19% reduction over 2013 TER.*
- 5.45. *The site is in a low flood risk zone, albeit there is some risk of surface water flooding. The supporting basement Impact Assessment considers this risk in further detail.*

Servicing

- 5.46. The following policies from Camden's Local Plan are relevant to servicing:
- Policy CC5 Waste
 - Policy T1 Prioritising walking, cycling and public transport
 - Policy T2 Parking and car-free development
- 5.47. The proposal provides facilities for the storage and collection of waste within the front forecourt of the property in line with Policy CC5 point d. The drawings show six bins.

Planning statement

26 Netherhall Gardens, London, NW3 5TL



- 5.48. The proposed development will promote sustainable transport in that it incorporates accessible and secure parking facilities within the forecourt of the property in line with Policy T1. The London Plan requires 1 cycle parking space for 1 bedroom units, 1 cycle parking space for 2 bedroom units and 1 cycle parking space for visitors. On the basis that there are 2 x 1 bedroom units and 2 x 2 bedroom units, 7 cycle parking spaces are required and these have been provided.
- 5.49. The proposed development will reduce the amount of on-site parking by 1 space (existing garage demolished) and the new units will be car free in accordance with Policy T2. It is understood that parking permits will not be issued for the proposed residential units and the proposal will not provide for off-street parking in association with the proposed 4 units.

6. Conclusions

6.1. This statement has demonstrated compliance with the 'Development Plan' which comprises the London Plan (2016) and Camden's Local Plan (2017).

- The proposal will optimise the use of the site, providing four new residential units within a highly accessible area which are both good quality and accessible. Furthermore, the Applicant is offering a policy compliant affordable housing payment.
- The existing harmful 1950s garage extension will be replaced with a high quality extension which repairs the existing uncharacteristic gap within the streetscape and provides a highly contextual response which picks up on local materials and detailing.
- The careful design has ensured that the amenity of the neighbour at no. 24 is protected in terms of privacy, sunlight/daylight, outlook and sense of enclosure.
- The scheme will retain and protect all trees of value, the only trees to be removed are five low quality trees along the boundary with no. 24A.
- The supporting documentation sets out that the scheme will comply with climate change policies, incorporating renewable technologies and resulting in a 19% reduction in carbon dioxide emissions.
- The scheme will be appropriately serviced with 7 cycle parking spaces and waste storage. The new residential units will be car free (no on-site parking spaces allocated and no parking permits issued).

6.2. The benefits of the scheme are considered to be:

- Provision of 4 new residential units in a highly accessible area (PTAL 6A).
- £27,346.41 contribution towards affordable housing.
- Enhancement of the conservation area through the demolition of the 1950s garage structure and replacement with a high quality, contextual extension.
- 19% reduction in carbon dioxide emissions.