



PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

RULE 6 STATEMENT OF CASE of the London Borough of Camden

APPEAL SITE

23 Ravenshaw Street, London, NW6 1NP

APPELLANT

Mr Christopher Taylor

SUBJECT OF APPEAL

Appeal Statement in Support of the Council's Notification of Refusal Decision when an appeal has been made regarding planning application (ref: 2017/0911/P) for:

"Erection of a three storey plus basement building comprising 8x flats (4 x 3-bed units and 4 x 2-bed units) following the demolition of the existing house".

COUNCIL REFERENCE: 2017/0911/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/19/3225592

1. THE PROPOSAL THE SUBJECT OF THIS APPEAL

- 1.1. The appeal proposal seeks permission to demolish the existing house and erect a three storey (plus basement) building to host eight self-contained dwellings. The proposal is outlined in detail in the officer report (Appendix 1) along with the associated assessment of the case.
- 1.2. The application for the above works was received by the Council on the 15/02/2017 along with the relevant information required for validation. The application was then registered on the 22/02/2017. A subsequent public consultation process ran from the 24/02/2017 until the 17/03/2017. In total, fourteen letters of objection and one letter of comment were received.
- 1.3. Following an independent audit of the submitted basement impact assessment, involving the submission of further details, a final audit report was published by the Council's third party engineers on the 17/08/2017. Between this date and December 2018, negotiations between the LPA case officer and the applicants ensued in an attempt to address various concerns raised with the proposed scheme. In December 2018 a revised scheme along with updated planning statement was provided. It is this varied scheme that forms the basis of the appeal and to which the assessment and recommendations set out in the attached officer's report and decision notice relate. The Council subsequently received an appeal against non-determination on the 10/04/2019, to be heard under the Written representations procedure. This statement, along with the attached appendices make up the Council's principal statement of case.

2. PLANNING POLICY FRAMEWORK

- 2.1. In determining the planning application the Council had regard to the relevant legislation, government guidance, statutory development plans, supplementary planning guidance and the particular circumstances of the case.

National Planning Policy Framework (NPPF)

- 2.2. The updated NPPF was published in February 2019. It provides a national planning policy framework against which all planning applications and decisions must be made. It sets out a presumption in favour of sustainable development as a golden thread running through the decision making process. The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications.

Development Plan

- 2.3. The development plan for this application consists of the Camden Local Plan (2017) and the London Plan (2016), along with the Fortune Green and West Hampstead Neighbourhood Plan (2015).
- 2.4. Copies of all the Camden Local Plan and Neighbourhood Plan policies that formed part of the original reasons for refusal were sent as part of the Questionnaire. In determining the planning application, the Council had regard to relevant legislation, national planning policy and practice guidance, development plan policies, supplementary planning guidance and the particular circumstances of the case. In making any decisions as part of the planning process, account must be taken of all relevant statutory duties including section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.5. The proposal fails to comply with a number of planning policies which are referred to in the reasons for refusal and officers report as well as national policy and guidance set out in the National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (NPPG). Within the officer's report attached at appendix one, a full list of the policies relevant to the assessment of this appeal is set out.

Other Material Planning Considerations

Supplementary Planning Documents (SPDs)

- 2.6. The Camden Local Plan 2017 is supported by the Council's SPDs, which include Camden Planning Guidance (CPGs). The Council is currently reviewing and updating its CPGs to support the delivery of the Camden Local Plan following its adoption. The currently adopted CPGs relevant to this appeal are:
- CPG Amenity (March 2018)
 - CPG Basements (March 2019)
 - CPG Biodiversity (March 2018)
 - CPG Design (March 2019)
 - CPG Developers Contributions (March 2019)
 - CPG Energy efficiency and adaptation (March 2019)
 - CPG Housing (March 2018)
 - CPG Transport (March 2019)
 - CPG Water and flooding (March 2019)

2.7. In addition, at the time of writing the New London Plan was in the later stages of adoption, with the examination in public having concluded in March 2019, though prior to publication of The Panel's Report. As a result, the emerging plan is afforded some, limited weight in the assessment of the appeal.

3. REASONS FOR REFUSAL

3.1. Following the receipt of the appeal, a notification of intended refusal of permission was issued. The notice includes a total of X reasons for refusal. A copy of this notice is included in appendix two.

3.2. As per the informative on the decision notification letter, the Council considers that it would be possible to overcome reasons for refusal 3 – 7 by entering into a suitably worded section 106 legal agreement.

4. THE COUNCIL'S CASE

4.1. The Council's case is primarily set out within the officer's report and decision notification set out in the following appendices one and two. The attached officer's report also details the proposal, site and surroundings, the site history, consultation responses and an assessment of the proposal in full. As stated in above, it would be possible to overcome some of the reasons for refusal by entering into a Section 106 legal agreement. Justification for why these matters must be secured via legal agreement is also included within the officer's report below.

4.2. The Inspector is respectfully invited to dismiss the appeal against the refusal of permission. However, should the Inspector be minded to allow the appeal, the Council will request that suggested conditions are applied. A list of suggested conditions are set out in appendix three of this statement.

5. CONCLUSION

5.1. Each of the reasons for refusal are considered to be sufficient to justify the refusal of the appeal proposal in their own right, and together result in an

appeal scheme that would not represent sustainable development as defined within paragraph 7 of the NPPF.

- 5.2. The merits of the appeal proposal are recognised and include that the development would create a number of additional homes, which is a priority of the development plan. However, the benefits of the scheme would not outweigh the harm identified, both through the design and visual impact of the scheme as well as via the lack of adequate mitigation secured through legal agreement.
- 5.3. Regard has been had to the development plan, as required under Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004, and other material considerations. Paragraph 14 of the NPPF has a presumption in favour of sustainable development and the benefits of the scheme have been weighed against the economic, social and environmental dimensions as specified in para 7 of the NPPF. The appeal proposal does not accord with the development plan (for the reasons addressed within the Council's case) and there are no other material planning considerations that indicate that planning permission should be granted.
- 5.4. The Inspector will respectfully be invited to dismiss the appeal against the refusal of planning permission 2017/0911/P. However, should the Inspector be minded to allow the appeal, the Council will request that suggested conditions are applied.

6. APPENDICES

- 1) Appendix One – Officer's Delegated Report
- 2) Appendix Two – Decision notification
- 3) Appendix Three – List of suggested conditions

Appendix One:
LPA Officer's Delegated Report

Delegated Report		Analysis sheet		Expiry Date:	12/04/2017
				Consultation Expiry Date:	17/03/2017
Officer			Application Number(s)		
Samir Benmbarek			2017/0911/P		
Application Address			Drawing Numbers		
23 Ravenshaw Street London NW6 1NP			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a three storey plus basement building comprising 8x flats (4 x 3-bed units and 4 x 2-bed units) following the demolition of the existing house.					
Recommendations:		Refuse Planning Permission			
Application Type:		Full Planning Application			
Conditions:		Refer to Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	12	No. of objections	00
Summary of consultation responses:		<p>As site notice was displayed in close proximity to the application site on 24/02/2017 (expiring on 17/03/2017).</p> <p>To date, 12x objections were received from the following addresses:</p> <ul style="list-style-type: none"> • 4 Ravenshaw Street • 20 Ravenshaw Street • 29 Ravenshaw Street • 31 Ravenshaw Street • 34 Ravenshaw Street • 40 Ravenshaw Street • 40 Ravenshaw Street • 47 Ravenshaw Street • 49 Ravenshaw Street • 95 Ravenshaw Street • 15 Dornfell Street • 5 Sington House, 33A Mill Lane • 2 Glastonbury Street <p>Their objections are as summarised below:</p> <p><u>Land use</u></p> <ul style="list-style-type: none"> • Would provide flats in area Camden favours retaining houses, not 			

splitting houses into flats

- Existing house could be adapted
- The scale of the proposed property is not in keeping with the rest of the street.
- Most of the houses are single dwellings, with a few being split into two flats. There are no single properties on Ravenshaw Street which house more than 2 separate flats and to have 20 new bedrooms created in one new property is over development on such a constrained site.
- Not in compliance with the neighbourhood plan

Design

- Demolition of a perfectly good house cannot be justified and is not sustainable
- No concession to surrounding architecture
- Not in keeping with the houses in the rear of the road
- Angle of bend implies the buildings are squeezed together
- Does not appear developer is aware of the Neighbourhood Plan
- The Victorian houses in the street retain all detailing and decoration and the overall the terraces contribute positively to the character and appearance of the street
- NPPF paragraph 131 advises local planning authorities that when determining planning applications that they “should take account of the positive contribution that a heritage asset can make to sustainable communities”. Number 23 Ravenshaw Street continues to provide such a contribution by virtue of its appearance and its continued viable use.
- The architectural design of the new development relates very poorly to the context of the street. The street is characterised with yellow or red facing bricks with slate roofs and rectangular sash windows in portrait proportions.
- Elevation to the street makes no attempt to acknowledge the context of the local materials by virtue of the elevation being made up of multi-tone glazed bricks slips, metal cladding to window aprons and heads and metal sheeting to the sloping roofs. Moreover, the existing rhythm of the canted window bays of the terrace have been ignored by presenting a uniform flat elevation to the street. The window fenestration again ignores the local context by virtue of the square or long rectangular appearance of the proposed centre pivot window
- Cheap design and unfriendly appearance
- Roofs and facade design break from design of neighbouring houses
- The scale of the proposed property is not in keeping with the rest of the street.
- Most of the houses are single dwellings, with a few being split into two flats.

Amenity

- Strange bin area which will not meet Camden’s bin policy
- Insufficient bin storage
- Noise and disturbance from construction
- New flats in Ravenshaw Streets have already harmed amenity in terms of refuse and traffic congestion

- Disruption from construction would affect local school
- This street is a play street. It is known for its particular community character
- Lack of privacy and loss of light for neighbours

Basement

- Huge basement could cause subsidence and affect underground streams
- Concerns about flooding
- BIA does not take into account the railway at the rear
- Existing impact from freight trains means displacement of soil is likely to cause permanent structural issues for nos. 21 and 25

Transport

- Increased parking
- Suspension of 5x bays for construction will create greater parking stress, and lead to congestion and potential danger for residents, schoolchildren and parents

Sustainability

- Not sustainable
- Better to keep/adapt existing building
- Any proposal for its demolition and replacement with another building will generate thousands of more tons of CO2 by virtue of its new energy intensive building materials, eg metal and concrete, construction process, road journeys and disposal of the original building materials.

CAAC/Local group comments:

Fortune Green & West Hampstead Neighbourhood Development Forum object: overdevelopment likely to cause harm and disruption to the amenity and quality of life of neighbouring residents. No history of basement development in the area and area is a flood risk. Likely to cause serious structural problems for neighbouring properties which have shallow foundations. Front and rear elevations are blocky, ugly and out of step with the character of the local area. The proposed frontage is an abrupt and unwelcome interruption to the rhythm and style of Ravenshaw Street. The proposal is in clear breach of Neighbourhood Plan Policy 2 (Design & Character). A new system of waste collections is about to come into effect in this area, and insufficient space is provided to store two weeks worth of waste. The applicant has made no reference to the adopted Fortune Green & West Hampstead Neighbourhood Plan

Cllr Russell objects: Height, mass and scale, would be an overdominant development that would have a negative impact on residents in neighbouring properties, effectively turning a single dwelling and a driveway into eight flats. This is absolutely disproportional, and would be far too dense for the space. Little consideration seems to have been given to the parking and waste storage requirements of the extra residents. Demolition, and its associated construction work, would cause undue distress to residents. Threat subsidence is very real; some properties in Ravenshaw Street already have cracks in their walls without being next door to a basement. Excavating a basement on the site would add extra undue pressure onto the walls of the properties next door. Not aware of any existing basements in Ravenshaw Street, and there is certainly no precedent for basements in this area. Most of the houses Ravenshaw Street are attractive Victorian architecture. However, the proposed development is 'clunky' and out of step with the character of the local area, particularly the frontage which does not seem to mirror any of the features of the current houses on Ravenshaw Street. No other house in the street is designed in this way the proposed development would cause harm to the street scene and negatively impact on residents' views.

Site Description

The application site is currently a two-storey house that has been extended and converted into 2x self-contained flats. The flats are adjacent to a large car park within the site, which was formally a builder's yard. The site is located on the southwestern side of Ravenshaw Street, where the road bends and the site backs onto a railway line.

The area between the railway line and the site is a site of nature conservation importance. Ravenshaw Street, and the surrounding area, is predominantly residential, comprising mainly two storey dwellings. The site is not located within a conservation area, and it is not listed. The site is located within the Fortune Green and West Hampstead Neighbourhood Area.

Relevant History

8905200- The erection of a single storey rear extension. **Granted 11/10/1989**

20351 Change of use to 2 self-contained dwelling units involving construction of a two storey extension at rear, a roof extension at the side and dormer windows. **Granted 06/06/1975.**

5107 The erection of a concrete garage at the side. **Granted 19/06/1968.**

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

London Borough of Camden Local Plan 2017

Delivery and location of growth

G1 Delivery and location of growth

Meeting Housing Needs

H1 Maximising housing supply

H3 Protecting existing homes

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

Protecting Amenity

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A5 Basements

Design and Heritage

D1 Design

Sustainability and Climate Change

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

Transport

T1 Prioritising walking, cycling and public transport

T2 parking and car-free development

Delivery and monitoring

DM1 Delivery and monitoring

Fortune Green & West Hampstead Neighbourhood Plan 2015

Policy 1 Housing

Policy 2 Design and character

Policy 8 Cycling

Policy 16 Local Green Space

Policy 18 Trees

Camden Planning Guidance

CPG Amenity (March 2018)

CPG Basements (March 2019)

CPG Biodiversity (March 2018)

CPG Design (March 2019)

CPG Developers Contributions (March 2019)

CPG Energy efficiency and adaptation (March 2019)

CPG Housing (March 2018)

CPG Transport (March 2019)

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the demolition of the existing two storey house and the erection of a three-storey plus basement level apartment block. It would consist of 8x units including 4x 3 bedroom units and 4x 2 bedroom units. All units would be one-storey self-contained flats.

Revisions

- 1.2 The application was initially revised in order to relate better to the existing context: the use of brick slips as a facing material has been omitted and the building would be constructed from traditional brick with the colour muted to reflect neighbouring buildings. The entrance door was made more robust, the windows to the front elevation were redesigned and the cycle store was improved.
- 1.3 Further amendments to the scheme were made following comments from the Design Review Panel. These amendments consist of a change in the fenestration panels, addition of Victorian style parapets and the change in the material of the roofing tiles from standing seam zinc to clay slate.
- 1.3 The main issues of consideration are:
- Land use
 - Design
 - Occupier amenity
 - Neighbour amenity
 - Basement development
 - Sustainability
 - Biodiversity
 - Transport
 - Planning Obligations

2.0 Land use

- 2.1 Housing is regarded as the priority land-use of the Camden Local Plan. In particular, Policy H1 aims to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and as such, the development of 8x self-contained flats is welcomed by the Council in principle. This is subject to the development taking into account other factors such as accessibility, the character and built form of the surroundings, protecting the amenity of occupiers and neighbours, transport and sustainability. Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan (WHFGNP) seeks to ensure that residential development provides a range of housing types to meet a range of needs, as appropriate, and related to the scale of the development.
- 2.2 As the existing site is of C3 use, there is no objection to the development of further residential accommodation in land use terms.
- 2.3 Policy H7 of the Local Plan seeks to secure a range of homes of different sizes in all residential developments and will seek to ensure that all residential development contributes to meeting the

priorities set out in the Dwelling Sizes Priority Table. The Priority Table indicates that market housing with 2 or 3 bedrooms are the high priority and most sought after unit size. Policy H7 defines large homes as homes with 3 bedrooms or more and small as units of less than 3 bedrooms.

- 2.4 The proposed development would comprise of 4x 3 bedrooms flats and 4x 2 bedroom flats which would result in 100% high priority dwellings within the development. Furthermore, the development would also have a balance of large and small homes at 50% each and as such would meet the requirements of policy H7 of the Local Plan and policy 1 of the WHFGNP.
- 2.5 The whole site covers approximately 493sqm and proposes 8x units providing a total of 28 habitable rooms, which would equate to an average of 3.5 habitable rooms per unit. Ravenshaw Street has a public transport accessibility level (PTAL) ranging from 2 – 4. Based on the London Plan's density matrix for an urban location, this would give a density range of 200-700 habitable rooms per hectare (200-450 PTAL 2-3/200-700 PTAL 4-6) and 55-225 units per hectare (55-145 PTAL 2-3/55-225 PTAL: 4-6). The proposal would equate to 568 habitable rooms per hectare and 162 units per hectare, thus in line with the London Plan guidance.

Affordable housing

- 2.6 Policy H4 of the Local Plan expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm or more. This is based on the assessment where 100sqm of floorspace is considered to be capacity for one home. In developments that provide less than 10x units, affordable housing contributions can take the form of a payment in lieu.
- 2.7 The affordable housing target as detailed in policy H4 and its supporting text is based on a sliding scale with the target starting at 2% for an additional home (at 100sqm) and is increased by 2% by each home added to the capacity. The residential floorspace provided is 582sqm (744sqm total GIA – 162sqm existing residential GIA); therefore rounded up to 600sqm for this purpose, resulting in the affordable housing target being 12% for this scheme.
- 2.8 Payment in lieu are taken from a figure based on the gross external area (GEA) of the application floorspace concerned as stated in CPG Housing (Interim) (section 3.0, p.59). The GEA of the proposed development is 611sqm. Also stated in CPG Housing (Interim) (section 3.0, p.59), the level of payment in lieu for a market residential scheme is £2,650 per sqm.
- 2.8 Therefore, the affordable housing contribution for this proposal is **£194,298**. This is calculated by 12% of 611sqm (the GEA) which results in 73.32sqm. The value of this is then multiplied by £2,650 to get the contribution figure of £194,298. The affordable housing contribution could be secured by a S106 legal agreement. As a S106 legal agreement has not been signed by the applicant at this time, the development would not provide a contribution to assist the Council in meeting housing needs for households in the borough that are unable to access market housing. As such, this results in a reason for refusal on the proposal – although it could be overcome by entering into a legal agreement. In the absence of an agreement, the development would fail to make the maximum viable contribution towards affordable housing in the borough, contrary to Local Plan policy H4 and DM1, and Fortune Green & West Hampstead Neighbourhood Plan policy 1.

3 Design

- 3.1 The Council's design policies are aimed at achieving the highest standard of design on all developments. The following considerations are contained within Policy D1 are relevant to the

application: development should consider the character, setting, context and the form and scale of the neighbouring building, and the quality of materials to be used.

- 3.2 Policy 2 (Design and character) of the WHFGNP requires all development to be of a high quality design which compliments and enhances the distinct local character and identity of Fortune Green and West Hampstead.
- 3.3 The existing context of Ravenshaw Street is of two-storey late Victorian terraced houses. There is variety in the facing and roofing materials, some of which have been altered piecemeal, and some in the elevation detailing, but unifying aspects can be found in the visible, steeply pitched roofs, and the use of one or two storey canted bays. The houses step down to follow the topography of the street, and the rear of the site backs onto the railway line. At the front of the plots along Ravenshaw Street, small front gardens at ground/street level that are typical of suburban terraced housing are featured.
- 3.4 The site sits on a bend in the street, and the Victorian part of the existing building on the site is narrower than its neighbours. There is a large gap between the building on the site and its neighbour to the south, which previously gave access to a working yard behind, but offers no particular visual benefit in the streetscape. The principle of filling in the gap between the houses is therefore considered acceptable.

Scale, Bulk and Form

- 3.5 As mentioned previously, the typology of Ravenshaw Street consists of late-Victorian terraced housing. The buildings are two storeys in height with its scale and bulk uniform throughout the street. The form of the buildings (and plots) are also roughly identical with a two storey closet wings forming at the rear of the houses in pairs with a rear garden return running alongside each closet wing. This building form and typology is consistent throughout the row of terraced housing at the front and rear along Ravenshaw Street contributing to a local character.
- 3.6 At the front, the height of the proposed development would be two storeys and would not be taller than the existing terraced houses along the street. Furthermore, the height of the scheme responds to the existing topography and respects the existing streetscene by stepping down slightly as it goes southwards. Although proposed as one apartment block building, the form and bulk of the development appears as two terraced houses divided by the bend in street when viewed along the street. The “two” houses are of a similar width to the existing terraced houses along Ravenshaw Street. Overall, at the front, the proposed scale, bulk and form of the development is considered acceptable.
- 3.7 At the rear, the scheme diverges significantly from the established scale, form and bulk as seen with the neighbouring buildings. At the northern half of the development (next to No. 21), the rear is developed as a part-two, part-one storey ‘closet wing’ which, when viewed in isolation, corresponds to the scale and bulk of the neighbouring closet wings along Ravenshaw Street. Within the southern half of the development, the rear is built up to three-storeys in height due to this part of the ‘closet wing’ being developed at roof level as well as at ground and first. The roof form being developed and extended along with the first and second storeys at the rear result in the proposal as dominant, bulky and not in context with the neighbouring buildings.
- 3.8 It is acknowledged that there are some built roof developments present along some of the neighbouring houses along Ravenshaw Street. However, these are small-scale piecemeal additions, namely dormers, which sit within the roof slope of the building core of the houses. The proposed third storey contrasts from this by being elongated along the ‘closet wing’ and overwhelming the roofscape. Furthermore, when viewed from the south, the proposed third

storey would be built up from the closet wing of No. 25 and appears to loom over its neighbouring building. In general it would appear as bulky and imposing when viewed from the south.

- 3.9 Whilst it is not prescribed that the proposal should exactly emulate the form of the neighbouring buildings (rear two-storey closet wing that terminates by roof eaves of the building core), it is expected that the proposal should generally respond to its surrounding context. In comparison to the front where the proposal has been designed to appear as two terraced houses, the form at the rear has resulted in an elevation that appears as disproportionate and excessively wide, with a relentless and unbroken mass. Although there is some minor differentiation in the built form at the rear due to the bend of the site, the proposed rear elevation has no breaks or gaps across the plot width. This provides a striking contrast with the established form and typology of the neighbouring dwellings (two storey closet wings and rear garden returns). The contrast further emphasises its bulk and excessive scale at the rear, resulting in an overbearing form of development, contrary to policy D1 and NP policy 2.
- 3.10 Overall, the scale, bulk and form of the proposal is considered unacceptable for the reasons discussed above and form another reason for refusal. Although the bulk would not be visible from the street scene, it would be visible from several private views (neighbouring rear gardens) and from the railway line to the rear.
- 3.11 As mentioned previously, the number of proposed residential units in the scheme is considered acceptable in housing policy considerations. However, the large number of units proposed is the main contributing factor to the bulk and form of the proposal which is considered unacceptable by officers. A smaller scale development would be more likely to respond better the local character and form as seen along Ravenshaw Street. Whilst the Council aims to maximise the supply of housing, this should not be at the expense of other considerations such as design and local character (as discussed in paragraph 2.1 of this report).

Detailed Design

- 3.12 The WHFGNP had a presumption in favour of a colour palate that reflects, or is in harmony with, the materials of its context. The proposed materials comprises of brick and brick slips, clay roof tiles, white render detailing, aluminium framed windows and doors throughout. At the rear of the proposal, metal storm shutters and timber cladding are featured in the material palate. Overall, the proposed material choice for the development is appropriate and in keeping with the existing palate of the street.
- 3.13 At the front, the proposed building seeks to respond the Victorian terrace context but in a simplified, contemporary form. The front elevation features detailing with window reveals to correspond the bay windows of the neighbouring Victorian terraced houses, low-level front boundary wall with metal railings and 4x rooflights to the front roof slope with a parapet wall between the “two houses”. The doors to the building core and the cycle/waste room are considered acceptable in design. Overall, the material choice and detailed design of the front elevation is considered appropriate for its suburban Victorian terrace setting whilst incorporating some contemporary elements.
- 3.14 The detailed design including material choice at the rear of the development is considered acceptable; however, this does not mitigate or compensate for the concerns of the overall design of the rear elevation and the bulk at the rear.

Front Lightwell

3.15 Along the streetscape of Ravenshaw Road, there are no examples of front lightwells. As such, it can be considered that either basement development in general or front lightwells are not characteristic of the area. The proposed front lightwell is an alien feature which detracts from the local character of the streetscape. Although not seen in long views of Ravenshaw Street, the immediate contrast between the front gardens of the neighbouring houses and the deep lightwell of the proposal would be emphasised when viewed at or in close proximity to the site. Given the limited distance between the footpath and front elevation, these would be highly visible.

3.16 For these considerations as discussed, the proposed front lightwells are a reason for refusal as they do not respond the local character of the vicinity.

3.17 In conclusion, due to the scale and siting of the development and the proposed front lightwell, the proposal is considered to not be respectful to the character and appearance of the wider terrace and as such is contrary to policy D1 of the Camden Local Plan and policy 2 of the WHFGNP.

4 Occupier Amenity (residential development standards)

4.1 All flats would have a regular layout with reasonably sized rooms and good access to daylight and natural ventilation. All flats, except for Flat H, would meet the London Plan space standards for bedrooms and overall floorspace. Flat H would be a 2-bed/3 person unit with a floorspace of 59sqm, which is slightly under the London Plan standard of 61sqm, however this does not include approximately 10sqm of storage space below 1.5m in height and the unit also has external amenity space in the form of a balcony of 6sqm.

4.2 All units would have external amenity space in the form of balconies, or patio gardens for the lower flats (A, B & C). The development would also have a communal rear garden of approximately 656sqm.

Flat	Bedrooms/persons	Floorspace	DCLG standard	Amenity space
A	3-bed/6 person	105sqm	95sqm	24sqm
B	3-bed/6 person	109sqm	95sqm	27sqm
C	2-bed/4 person	79sqm	70sqm	21sqm
D	2-bed/4 person	75sqm	70sqm	6sqm
E	3-bed/4 person	80sqm	74sqm	6sqm
F	3-bed/5 person	90sqm	86sqm	6sqm
G	2-bed/3 person	61sqm	61sqm	6sqm
H	2-bed/3 person	59sqm	61sqm	6sqm

4.3 Flats A and B would have their own cycle storage with communal cycle storage at basement and ground floor levels. A dedicated cycle/refuse store is proposed at ground floor level with its own access from the street. The store would provide storage for 8x 240ltr wheelie bins with food waste storage above. Environmental Services advise that this provides adequate refuse storage provision which would be easily accessible for collection crews. Their only concern is that food waste containers may not be easy to reach for some service users as they are placed above the wheelie bins, but that it would be possible to swap one of the wheelie bins for a single food waste bin or have a 140 litre bin instead of the smaller containers on the shelf. As such, should permission had been granted, a condition would have been attached to secure details of revised refuse storage to be submitted and approved.

5 Neighbour Amenity

- 5.1 Policy A1 of the Camden Local Plan seeks to ensure that development does not cause adverse amenity impacts upon neighbours. This is in regards to sunlight, daylight, privacy and overlooking, noise, vibration and in some instances odour.
- 5.2 The site is neighboured by a number of buildings with residential uses that need to be taken in regard when assessing impacts of amenity. In particular, the neighbouring occupiers of concerns are No. 21 and No. 25 Ravenshaw Street which immediately adjoin the site to the north and southeast.

Outlook and sense of enclosure

- 5.3 Despite the bulkiness of the proposal at the rear (as discussed in the design section of this report), it is considered that the proposal would not cause adverse impacts upon the outlook of the adjoining residential occupiers given that views from these neighbouring units have a Western aspect. When viewed from No. 23 and No. 25 Ravenshaw Street, the third storey is viewed at an oblique angle above the terminating height of the existing closet wing of No. 25. When viewed from No. 21 Ravenshaw Street, the development is stepped back between first and second storeys, lessening its impact on outlook from its neighbour. Notwithstanding this, the excessive bulk and scale of the rear of the property would result in a severe overbearing form of development that would undermine the amenity value of adjacent gardens and terraces to a point of detriment. This is considered contrary to Local Plan policy D1 (as discussed above) as well as policy A1 which seeks to protect the amenity of neighbours. At present, beyond the principal rear elevations of dwellings within the row, there remains a relatively consistent pattern of development consisting two storey closet wings interspersing more open views to the sky and verdant open space to the West. This consistency, as well as the regular stepping back of massing above ground floor level to the principal rear elevation retains a sense of openness that is a valuable aspect of the amenity value of the dwellings. Whilst some of the garden spaces have been made more enclosed via gradual ground floor additions, the presence of a consistent maximum rear building line (both for principal rear elevations as well as the closet wing) ensures that these spaces do not feel overly enclosed, preserving their amenity value. The proposed development would break this consistent pattern of development by introducing two to three storey elements that would project to, or beyond the established building line of existing closet wings whilst also occupying a greater width. When viewed from neighbouring properties the resulting visual overbearing impact is therefore of concern.

Daylight/sunlight

- 5.4 The applicant has submitted a sunlight/ daylight assessment. For daylight, the report assesses the Vertical Sky Component (VSC) to neighbouring dwellings. British Research Establishment (BRE) guidance advises that for good daylighting VSC should exceed 27%. If, as a result of development, VSC is both less than 27% and less than 0.8 times its former value (i.e. a loss of 20%) daylight may be significantly affected. For sunlight, the guidelines recommend habitable rooms receive at least 25% Annual Probable Sunlight Hours (APSH), with at least 5% during winter. If, as a result of development, a window receives less than this, less than 0.8 times its former sunlight hours, and a reduction over the whole year of greater than 4%, sunlight may be adversely affected.
- 5.5 No. 21 to the north has ground and first floor windows facing the site, including a ground floor living room window. These windows already face the one and two storey elements of the exiting building and the proposed building steps back from them to minimise the impact on these

windows. However, whilst it is acknowledged that the ground floor element would be set further back from the boundary, it would extend deeper into the rear garden. At first floor level the rear of the proposed building would be closer to the boundary and extend further into the garden. The applicant's daylight assessment indicates that existing VSC levels for no. 21 are generally below 27% at ground floor level, but none would see a loss of more than 20% of their former values. For sunlight, all assessed living rooms would see a minimal loss of sunlight and continue to receive in excess of 25% APSH overall, including at least 5% in the winter months.

- 5.6 The proposed building would largely abut the flank wall of no. 25 and extend no further to the rear than existing which is level with the adjacent closet wing, however the top floor would rise above the closet wing and rear roof slope of its neighbour. There is a rooflight and small dormer in the roofslope of no. 25 and a first floor window to the rear elevation, but the centre of these windows would not fall within a 45° angle in elevation which the BRE guidelines suggest as having a limited impact on daylight. As such, no 25 has not been assessed for daylight and the report also refers to the BRE guidelines which state that loss of light need not be assessed if a development does not subtend an angle of 25° drawn from the centre of any existing window perpendicular to the existing building. As there are no windows to no. 25 facing the site within 90° of due south, the proposed building is not considered to affect sunlight to this property.

Overlooking

- 5.7 The windows to the new development are located at the front and rear, with no windows facing adjoining properties and no windows to the sides. The proposed balconies are also to the rear, as such it is not considered that adjoining occupiers would suffer a loss of privacy from overlooking. Views would be into the rear gardens and the railway lines behind which are already established views from the rear of the houses along Ravenshaw Street. As such, no new opportunities or adverse levels of overlooking are introduced.

Noise

- 5.8 Due to the proposed residential use of the development, it is considered that there would no adverse impacts of noise to neighbouring occupiers. The proposal by means of its future use would cause an expected level of general noise expected from residential accommodation.

6 Basement

- 6.1 The proposed basement would take up most of the proposed site, with lightwells at the front and patios at the rear. The footprint of the basement would be approximately 336sqm with an external depth of approximately 3.5m bgl. The site is not within an area of constraint for land stability, surface water or groundwater, but the site does back onto railway land with tracks approximately 16m away from the site and a slope of 12°. The underlying strata is made ground above London Clay, the site investigation indicates groundwater is likely to be encountered.
- 6.2 Policy A5 (Basements) requires applicants to demonstrate that a proposal will not harm the built or natural environment, principally by way of a Basement Impact Assessment. Campbell Reith have reviewed the applicant's BIA and advise that the structural scheme and temporary works proposals appear adequate. The retaining walls will be formed by underpinning, where excavations are required below Party Walls, and reinforced concrete walls will be formed in short sections in an 'underpinning' sequence to the front and rear of the site. Damage impacts to neighbours are predicted to be within Category 1 (Very Slight) of the Burland Scale.
- 6.3 Ravenshaw Street is within the designated 'Sumatra Road' Local Flood Risk Zone and within a Critical Drainage Area. In the revised submissions, further assessment was presented and

Campbell Reith accept that the proposed development is a very low risk of flooding from all sources. An attenuation drainage scheme is proposed that will reduce the surface water run off rate by up to 70% of the existing condition. This should provide an improvement to the current site conditions and betterment to the wider hydrological environment and Campbell Reith advise that the proposed development will not impact the wider hydrogeological environment.

- 6.4 Additionally correspondence with Thames Water has been presented confirming that a relief sewer in the area is now operational, easing the demand on local drainage and reducing the likelihood of surface water flooding. Standard mitigation measures such as elevated thresholds to entrances and lightwells, the use of non-return valves and appropriate drainage should be adopted in the final construction. Network Rail has been consulted regarding the adjacent railway cutting to the southwest of the site, and raise no objection and have requested a condition securing asset protection measures.
- 6.5 Policy A5 also sets limits for the size of proposed basements to ensure that they are subordinate to the building being extended. In this instance the proposed basement is an integral part of the new development, but would still be considered as being subordinate as the basement, other than the lightwells, is entirely under the footprint of the proposed building. The proposed basement is also considered to comply with parts f-m which restricts basements to 1.5 times the footprint of the host building, and basement lengths compared to the length of the host building and depth of the garden.
- 6.6 As such, the proposal is considered to comply with the relevant parts of policy A5 and Campbell Reith advise that the submitted information demonstrates that the proposal would not harm the natural or built environment. A Basement Construction Plan has not been recommended by Campbell Reith and a condition will ensure detail of a relevantly qualified engineer to oversee the basement works are submitted to and approved by the Council.

7 Sustainability and energy

- 7.1 In line with policies CC1 and CC2 the Council will require development to incorporate sustainable design and construction measures. All new-build minor residential development is required to submit a sustainability statement showing that the development can follow the hierarchy of energy efficiency and renewable energy technologies set out in the London Plan to secure a minimum 19% reduction in regulated CO2 emissions below the maximum threshold allowed under Part L 2013.
- 7.2 The applicant has submitted sustainability and energy plans which indicate that the cooling hierarchy has been followed with high thermal mass, green infrastructure provision, external shutters, MVHR all proposed, and no mechanical cooling proposed. The proposal also includes a communal gas boiler, 100% low energy lighting, energy efficient appliances (A-or AA rated fridges and freezers or fridge-freezers, washing machines), and solar panels on flat and rear roofs. Water efficient fixtures and fittings and mitigation measures include 98sqm of fully permeable garden area and 34sqm of semi-permeable garden paving along with rainwater harvesting in the form of a 7,500L tank to be located in the garden. A green wall (approx. 97sqm) is also proposed for the rear boundary.
- 7.3 Overall the proposal would reduce carbon emission by up to 54% including at 20% through renewable technologies. The Council's sustainability officer has reviewed the submitted plans and considers the proposal to be compliant with policies CC1, CC2 and CC3, with conditions securing details of the PVs, green wall and rainwater harvesting/sustainable drainage, should the application have been approved.

- 7.4 In addition, there would have been clauses in the S106 agreement to ensure that the development is implemented in accordance with the submitted energy and sustainability statements, that evidence is provided that the proposed water usage is achieved. As the S106 agreement has not been signed, the Council cannot support the development and this is a reason for refusal. This is as the Council cannot guarantee that the development would continue to incorporate sustainable design and construction measures and help to address environmental issues such as climate change, contrary to Local Plan policies CC1, CC2, CC3, CC4, C1, and DM1.

8 Biodiversity

- 8.1 Policy A3 of the Local Plan seeks to ensure that site of nature conservation and biodiversity are protected and enhanced. The area between the railway line and the site is a site of nature conservation importance and identified in the Neighbourhood Plan as designated Local Green Space.
- 8.2 The applicant has submitted an ecological survey that indicates that no harm would be caused to the biodiversity interest of the site. The London Wildlife Trust have commented on behalf of Camden Nature Conservation Service. They raise no objection, but advise that the preliminary Ecological Appraisal is now out of date so prior to any internal or external demolition of buildings or any site clearance, including tree removal, an updated bat survey should be submitted detailing the methods and results of survey work to determine the presence or absence of roosting or foraging bats at this site. Should the application be approved, this would have been secured by condition.
- 8.3 They also recommend conditions (should the application be approved) ensuring site clearance and demolition be undertaken outside the bird nesting season, prior to clearance suitable habitats are hand searched and dismantled for reptiles by a suitably qualified ecologist, and that as the site and its surroundings provide potential habitats for a number of protected species, therefore measures to protect wildlife should also be secured including bird boxes and insect/reptile/amphibian bricks.
- 8.4 Only one tree occupies the site, a category C Bay Laurel at the rear. Due to its low quality and lack of amenity value there is no objection to its removal. The site is not within a conservation area and the tree could be removed at any time without the need for permission or consultation, and the Neighbourhood Plan only seeks to protect trees in good health that contribute to the character of the area, streetscapes and green spaces. There is a row of Poplars alongside the railway track, but these are at a sufficient distance not to be affected by the proposal.

9 Transport

Car free development

- 9.1 The nearest stations are Kilburn (Jubilee Line) and the West Hampstead stations, whilst the nearest bus stops are located on Mill Lane, Shoot-up Hill and West End Lane. Transport for London's PTAL website suggests that the site has a PTAL score of between 2 and 4. The site is located within the Fortune Green West Controlled Parking Zone CA-P(c), which operates from Monday to Friday 10am - 12noon.
- 9.2 Policy T2 seeks to ensure car-free development across the borough. Should planning permission have been recommended for approval, it would have been subject to a car-free legal agreement to ensure that future occupants of the development are aware that they are not

entitled to on-street parking permits. The absence of such a legal agreement is contrary to Local Plan policy T1 and T2 and Fortune Green & West Hampstead Neighbourhood Plan policy 7.

Construction Management

- 9.3 Local Plan Policy T4 states that Construction Management Plans should be secured to demonstrate how developments would minimise impacts from the movement of goods and materials during the construction process (including any demolition works). For some developments this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).
- 9.4 It is acknowledged that Beckford Primary School is close to the site and any CMP will have to take the movement of schoolchildren and parents into account as well as the general transport environment. The applicant has submitted a draft CMP which Transport Officers consider to be appropriate for this stage of the application. If the application is granted permission a more detailed CMP will be secured as part of a section 106 agreement. An Implementation Support Contribution would also need to be secured.
- 9.5 In the absence of a legal agreement securing the submission, contribution fee and implementation of a CMP, the development would be likely to contribute unacceptably to traffic disruption and road safety measures and would be detrimental to the amenity of the area generally, contrary to policies A1, A4, T3, T4, CC4 and DM1 of the Camden Local Plan.

Highway works

- 9.6 The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development in line with policy A1.
- 9.7 The proposal could lead to significant levels of damage to the public highway directly adjacent to the site on Streatley Place. The Council would need to repair any such damage (e.g. repaving of the paving slabs along the footpath) and to remove the crossover. The highway works would also ensure that the proposed development interfaces seamlessly with the adjacent public highway.
- 9.8 In the absence of a legal securing the highways contribution, there could be no guarantee that potential damage to the public highway as result of the construction works would be repaired, contrary to policy A1 of the Camden Local Plan. In the absence of a s106 agreement securing a contribution for the highways work, this would also constitute a reason for refusal. The development would fail to adequately mitigate the impact of the development on the highway infrastructure contrary to Local Plan policies A1, T3 and DM1

Approval in Principle (AIP)

- 9.9 Due to the proximity of the basement lightwells to the public highway, an AIP, and associated implementation fee, would be required to demonstrate that the basement works would not harm the structural integrity of the public highway. In the absence of a s106 agreement securing an AIP and associated fee, this would also constitute a reason for refusal. The development would fail to adequately mitigate the impact of the development on the highway infrastructure contrary to Local Plan policies A1, T3 and DM1

Cycle storage

9.10 The proposed plans indicate space for 8x cycles in the rear lightwells of flats A and B, and in a communal area in the lightwell. Due to its location at basement level the plans have been revised to include a cycle wheel ramp to facilitate access. Storage for a further 8x cycles would be provided in the form of a Josta rack in a dedicated secure cycle store at ground floor level.

9.11 The cycle storage would meet the requirement of the London Plan and should planning permission have been granted, a condition would ensure that the provision is implemented in line with the submitted plans and permanently retained.

10 Planning Obligations

10.1 As discussed previously throughout, the application, if otherwise deemed acceptable, would be subject to a S106 agreement to secure the following:

- 1) Affordable Housing Contribution (£194,298)
- 2) Car-free development
- 3) Sustainability Plan
- 4) Energy Efficiency & Renewable Energy Plan
- 5) Highways Contribution for repair of highway
- 6) Approval in Principle (and associated fee)
- 7) Construction Management Plan (CMP) and Implementation Support Contribution (£3,136)

10.2 The reasons for refusal referenced within the heading above are based on the failure of the Appellant to enter into a legal agreement. As stated within the informative of the decision notice, these matters could be overcome by entering into an appropriate legal agreement. The Council is willing to engage in this process with the Appellant and will endeavour to, so that the matters in dispute relating to the appeal are narrowed down.

10.3 Whilst each case must be determined on its merits, planning obligations are considered to be the most appropriate mechanism for securing each of the above mitigation measures in this case. Under the Town and Country Planning Act 1990 conditions may be imposed for regulating the development or use of any land under the control of the applicant. However, for a number of these obligations (i.e. 1, 5, 6 and 7) a financial contribution or implementation support contribution would be necessary in order to resource the assessment and implementation of these measures. This is set out further in paras. 6.9 - 6.17 of the adopted Developer Contributions CPG (2019). A number of these obligations (i.e. 3, 4 and 7) would also be specifically designed to maintain the Council's ability to monitor the on-going works in a flexible manner ensuring that the obligation secures 'live' documents which can be amended and cater to changes to the development during construction. This is extremely important in this densely populated, inner London context where impacts from constructions are multifaceted and flexibility is essential so as to allow matter to be amended and agreed quickly as the development progresses. The ability to monitor and review the impacts of construction and the implementation of these obligations is therefore an essential aspect of the mitigation sought.

10.4 In light of the above, each of the obligations sought would remain a necessary, policy requirement should permission be granted. They would each remain justified against relevant planning policy and meet any relevant tests. This includes the tests laid out in Section 106 and the Community Infrastructure Levy (CIL) Regulations 2010, in particular Regulation 122(2), as well as national guidance and the National Planning Policy Framework.

11 Conclusion/Recommendation

11.1 It is recommended the Inspector refuse planning permission for the following reasons:

1. The replacement building, by virtue of the and scale and bulk of its rear massing would result in an incongruous and visually overbearing form of development, contrary to Local Plan policy D1 and A1 as well as Fortune Green & West Hampstead Neighbourhood Plan policy 2

2. The proposed front lightwells, by virtue of their scale, siting and incongruous appearance, fails to respect the character and appearance of the wider terrace and streetscene contrary to Local Plan policy D1 and Fortune Green & West Hampstead Neighbourhood Plan policy 2.

The following reasons for refusal could be overcome by entering into a legal agreement:

3. In the absence of a legal agreement to secure a contribution for affordable housing (of £194,298), the development would fail to make the maximum viable contribution towards affordable housing in the borough, contrary to Local Plan policy H4 and DM1, and Fortune Green & West Hampstead Neighbourhood Plan policy 1.

4. In the absence of a legal agreement to secure the development as car-free, the development would fail to take steps to limit availability of parking and promote more sustainable modes of transport, contrary to Local Plan policy T1 and T2 and Fortune Green & West Hampstead Neighbourhood Plan policy 7.

5. In the absence of a legal agreement to secure a highways contribution for repair of the highway following development, and an Approval in Principle for the basement excavation, the development would fail to adequately mitigate the impact of the development on the highway infrastructure contrary to Local Plan policies A1, T3 and DM1.

6. In the absence of a legal agreement to secure a Construction Management Plan and a support contribution (of £3,136), the development would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area generally, contrary to Local Plan policies A1, A4, T3, T4, CC4 and DM1.

7. In the absence of a legal agreement to secure an Energy Efficiency and Renewable Energy Plan, and a Sustainability Plan, the development may fail to take adequate steps to reduce energy consumption and be sustainable in its use of resources contrary to Local Plan policies CC1, CC2, CC3, CC4, C1, and DM1.

Appendix Two:
LPA Decision Notification

Application ref: 2017/0911/P
Contact: Samir Benmbarek
Tel: 020 7974 2534
Date: 15 May 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Mr Chris Taylor
Flat A
23 Ravenshaw Street
London
NW6 1NP

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)
NOTIFICATION OF DECISION WHEN AN APPEAL HAS BEEN MADE
REFUSAL

Address:
23 Ravenshaw Street
London
NW6 1NP

Proposal: Erection of a three storey plus basement building comprising 8x flats (4 x 3-bed units and 4 x 2-bed units) following the demolition of the existing house.

Drawing Nos: Site Location Plan; Existing Plans: 01 Rev 11/02/17; 02 Rev 11/02/17; 03 Rev 11/02/17; 04 Rev 11/02/17; 05 Rev 11/02/17; 06 Rev 11/02/17; 07 Rev 11/02/17;
Proposed Plans: 01 Rev 15/02/17; 02 Rev 15/02/17; 03 Rev 15/02/17; 04 Rev 15/02/17; 05 15/02/17; 06 15/02/17; 07 15/02/17; 08 Rev 11/02/17; 09 Rev 11/02/17; 10 Rev 11/02/17; 11 Rev 11/02/17; 12 Rev 11/02/17; 13 Rev 11/02/17; 14 Rev 11/02/17; 17B Rev 19/04/17; 21 Rev 1/02/17; 22 rev 11/02/17; 23 Rev 11/02/17; 24B Rev 19/04/17; 25 Rev 26/05/17 Green Roof Details; 25 Rev 21/04/17; 26 Rev 21/04/17; 27 Rev 21/04/17; 28 Rev 21/04/17; 29 Rev 24/05/17; 30 Rev 24/05/17; 31 Rev 24/05/17; SD-61; SL-50;

Planning Statement by Mr C Taylor; Design and Access Statement by Mr C Taylor; Basement Method Statement Rev 2 by Croft Structural Engineers dated 11/07/2017; Structural Monitoring Statement Rev 1 by Croft Structural Engineers dated 06/07/2017; Structural Calculations by Croft Structural Engineers dated 06/07/2017; BIA Hydrogeology, Hydrology and Land Stability Report Rev 1 by Maund Geo-Consulting dated 07/07/2017; Daylight & Sunlight Impact Assessment & Technical Note & Summary by Space Strategy dated March 2016; Sustainability Statement Rev 2 by C80 Solutions dated July 2017; Energy Assessment by C80 Solutions Rev 3 dated July 2017; Retention vs Replacement Statement by NDM Health Ltd dated April 2017; Water Efficiency Calculation by C80 Solutions dated 14/02/2017; Draft Construction Management Plan by G2 Planning Solutions dated February 2017; Lifetime Homes Statement; Tree Survey by Tree Reports Ltd dated 04/02/2014; Air Quality Assessment by Air Quality Assessments Ltd dated 25/02/2017; Acoustic Report by KP Acoustics dated 19/01/2015; Ecological Appraisal by Urban Edge dated February 2015; Flood Report by Homecheck dated 05/05/2017; Drain Survey; Flood Risk Assessment by Groundsure dated 05/05/17

The Council has considered your application and had an appeal not been made to the Secretary of State, would have refused Full Planning Permission for the following reason(s):

Reason(s) for Refusal

- 1 The replacement building, by virtue of the and scale and bulk of its rear massing would result in an incongruous and visually overbearing form of development, contrary to Local Plan policy D1 and A1 as well as Fortune Green & West Hampstead Neighbourhood Plan policy 2
- 2 The proposed front lightwells, by virtue of their scale, siting and incongruous appearance, fails to respect the character and appearance of the wider terrace and streetscene contrary to Local Plan policy D1 and Fortune Green & West Hampstead Neighbourhood Plan policy 2.
- 3 In the absence of a legal agreement to secure a contribution for affordable housing (of £194,298), the development would fail to make the maximum viable contribution towards affordable housing in the borough, contrary to Local Plan policy H4 and DM1, and Fortune Green & West Hampstead Neighbourhood Plan policy 1.
- 4 In the absence of a legal agreement to secure the development as car-free, the development would fail to take steps to limit availability of parking and promote more sustainable modes of transport, contrary to Local Plan policy T1 and T2 and Fortune Green & West Hampstead Neighbourhood Plan policy 7.
- 5 In the absence of a legal agreement to secure a highways contribution for repair of the highway following development, and an Approval in Principal for the basement excavation, the development would fail to adequately mitigate the impact of the development on the highway infrastructure contrary to Local Plan policies A1, T3 and DM1.
- 6 In the absence of a legal agreement to secure a Construction Management Plan and a support contribution (of £3,136), the development would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area generally, contrary to Local Plan policies A1, A4, T3, T4, CC4 and DM1.

- 7 In the absence of a legal agreement to secure an Energy Efficiency and Renewable Energy Plan, and a Sustainability Plan, the development may fail to take adequate steps to reduce energy consumption and be sustainable in its use of resources contrary to Local Plan policies CC1, CC2, CC3, CC4, C1, and DM1.

Informative(s):

- 1 You are advised that reasons for refusal 3 - 7 could be overcome through entering into a Section 106 Legal Agreement.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer

Appendix Three:

Recommended conditions in the event planning permission is granted:

Details of materials and external finishes

Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, louvres, railings, balustrading and external doors; and
- b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details hereby approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

Details of brick and bond

Before the brickwork is commenced, a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

Details of waste storage

Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5 and A1 of the London Borough of Camden Local Plan 2017.

Details of sustainable drainage

Prior to commencement of any development other than site clearance and preparation details of the rainwater recycling proposals and drainage strategy should be submitted to the local planning authority and approved in writing. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017

Details of PVs

Prior to any above ground works, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies CC1 and CC2 of the Camden Local Plan 2017.

Details of green wall

Prior to the relevant part of the works commencing details of the proposed green wall and garden designs including planting plans and any other proposed biodiversity-enhancing provision (bat and bird boxes/bricks etc.), including timing and extent of actions to ensure habitat functionality and any maintenance requirements of features and structures, shall be submitted to and approved in writing by the Local Planning Authority. None of the flats shall be occupied until the green wall and biodiversity measures have been implemented in accordance with the approved details.

Reason: To safeguard and enhance biodiversity through incorporating measures to support wildlife in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017

Bat survey

Prior to any internal or external demolition of buildings or any site clearance including tree removal, an updated bat survey shall be submitted detailing the methods and results of survey work to determine the presence or absence of roosting or foraging bats at this site. Should bats or their roosts be identified the applicant will be required to apply for, and obtain, a European Protected Species Licence and submit proof of this to the authority before work commence, and submit a method statement detailing features to be retained and added to site to maintain and replace roost and foraging features on the site.

Reason: To safeguard protected and priority species in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017

Bird nesting

Site clearance and demolition must only be undertaken outside the bird nesting season (Feb-August inclusive). Where this is not possible, an ecologist should assess any vegetation and built structures for active signs of nesting. In the event a nest is found an appropriate exclusion zone should be implemented around it until the young have fledged. Details of and any required assessment shall be submitted to and approved by the Council before any works commence.

Reason: To safeguard protected and priority species in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017

Details of hard and soft landscaping

No above ground development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels, and planting for biodiversity. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3 and D1 of the London Borough of Camden Local Plan

Management of landscaping

All hard and soft landscaping works shall be carried out in accordance with the approved landscape details, prior to the occupation for the permitted use of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017

Details of works near rail line

Prior to commencement of any works on site, details of excavations and earthworks to be carried out near the railway undertakers' boundary shall be submitted for approval to the local planning authority acting in consultation with the railway undertaker. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on adjacent Network Rail land and in order to maintain the character and amenities of the area in accordance with the requirements of policies T3, A2 and A3 of the London Borough of Camden Local Plan 2017.

Details of vibro-compaction machinery

Where vibro-compaction machinery is to be used in the development, details of the use of such machinery and a method statement shall be submitted for approval to the local planning authority acting in consultation with the railway undertaker.

Reason: To ensure that the development will not have an adverse effect on adjacent Network Rail land in accordance with the requirements of policy T3 of the London Borough of Camden Local Plan 2017.

Details of any impact piling

Prior to commencement of any impact piling, a piling method statement shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in consultation with Thames Water or the relevant statutory undertaker, and shall detail the depth and type of piling to be undertaken and the methodology by which such piling

will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of Camden Local Plan 2017.

Details of qualified engineer

The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1 and A5 of the London Borough of Camden Local Plan 2017.

Development in accordance with BIA

The development hereby approved shall be carried out strictly in accordance with the approved Basement Impact Assessment and Hydrogeology, Hydrology and Land Stability Report.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1 and A5 of the Camden Local Plan 2017.

No items fixed to exterior

No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the building and immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

Provide cycle parking

None of the flats hereby approved shall be occupied until the cycle parking provision shown on the approved drawings is provided in full and is ready for use. The whole of the cycle parking provision shall be permanently retained and maintained thereafter for their designated use.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

Water use optional requirement

The flat hereby approved shall achieve a maximum internal water use of 105litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Accessible and adaptable dwellings optional requirement (M4(2))

The new dwellings hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with Policies H6 and C6 of the London Borough of Camden Local Plan 2017.