

# 62 Hillfield Road, NW6 - 2019/0682/P



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## Site photos

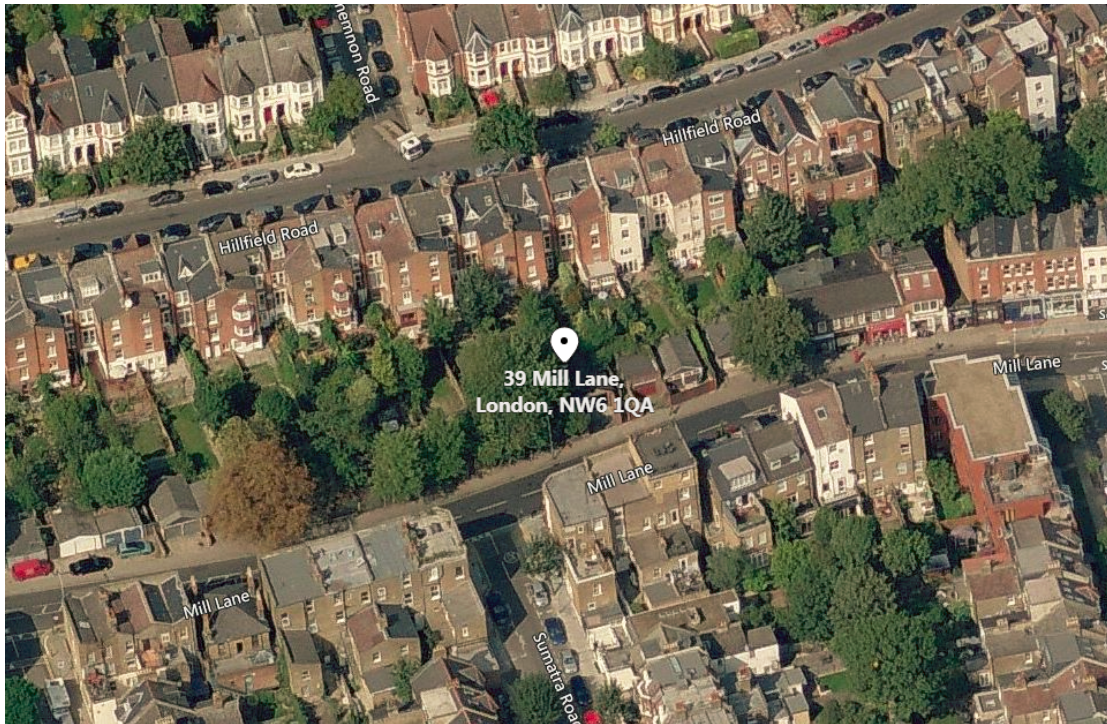


Photo 1 – Aerial view looking north

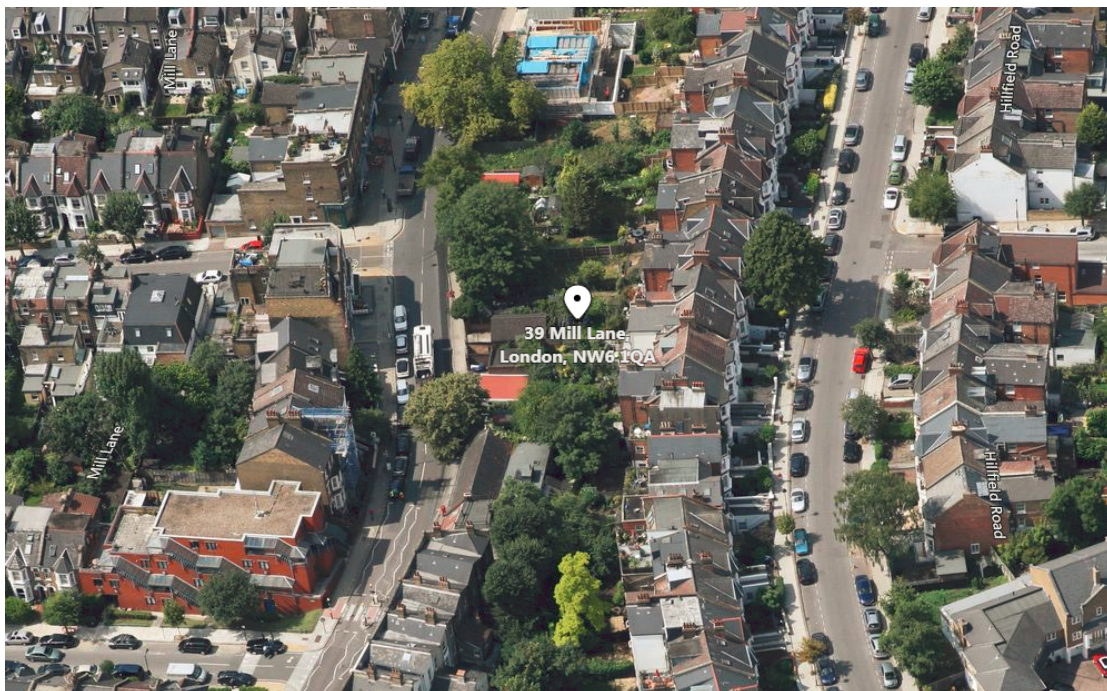


Photo 2 – Aerial view looking east





Photo 3 – Existing building



Photo 4 – Looking east along Mill Lane (application site on left)



Photo 5 – Looking west along Mill Lane (application site on right)



Photo 6 – Development further west along Mill Lane (formerly garage sites belonging to Hillfield Road properties)





Photo 7 – Development further west along Mill Lane (formerly garage sites belonging to Hillfield Road properties)



Photo 8 – Rear garden of no.62 Hillfield Road looking towards Mill Lane

<b>Delegated Report</b> <b>(Members Briefing)</b>		Analysis sheet		Expiry Date:	19/04/2019
		N/A		Consultation Expiry Date:	29/06/2019
Officer			Application Number(s)		
Kristina Smith			2019/0682/P		
Application Address			Drawing Numbers		
62 Hillfield Road LONDON NW6 1QA			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Erection of two storey 2-bed dwelling house (Class C3) fronting Mill Lane following demolition of existing single storey garage building					
Recommendation(s):		Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	8	No. of objections	6
Summary of consultation responses:  <i>Officer Response in Italics</i>	<ul style="list-style-type: none"><li>• A site notice was displayed between 27/02/2019 and 23/03/2019</li><li>• Following material revisions to the scheme, a further round of consultation was carried out between 05/06/2019 and 29/06/2019</li></ul>			
	Objections were received on the initial scheme from 3 neighbours on the following grounds:			
	<u>Principle of development</u> <ul style="list-style-type: none"><li>• Located on a dangerous part of Mill Lane where the road is both curved and narrow, near to a crossing and opposite a row of shops that require servicing</li><li>• Camden’s established planning principles for Mill Lane/ Hillfield Road would be undermined</li></ul>			
	<i>Refer to ‘Principle of development’ section of report</i>			
	<u>Design</u> <ul style="list-style-type: none"><li>• Not in keeping with the houses further up Mill Lane which are compact and flat roofed</li><li>• Design, mass, scale and pitched roof is completely out of character</li><li>• House will stick out like a single tooth not complemented by any other building nearby</li><li>• Too much habitable space being squashed into building</li><li>• No joined up thinking on the streetscape here</li><li>• Long running enforcement battle with no.33C Mill Lane on design grounds – this application would undermine the effort</li></ul>			
	<i>Refer to ‘Design considerations’ section of report</i>			
	<u>Amenity</u> <ul style="list-style-type: none"><li>• Loss of privacy from rear windows</li><li>• During the works, disruption to users would be significant</li></ul>			
	<i>Refer to ‘Amenity’ section of report</i>			
	<u>Ecology</u> <ul style="list-style-type: none"><li>• West Hampstead is very short of open green space to support wildlife. Gardens are one of the few green spaces remaining</li><li>• Existing established trees would be destroyed</li></ul>			
	<i>Refer to Trees and Landscaping section of report</i>			
<u>Other</u> <ul style="list-style-type: none"><li>• There has been no consultation with groups responsible for planning in the area</li></ul>				

*The Fortune Green West Hampstead Neighbourhood Forum have been consulted via email twice during the course of the application.*

**Following re-consultation, objections were received from 3 neighbours (2 repeat objectors) on the following grounds:**

Principle of development

- These gardens are not suitable for development
- Dangerous to have a house leading so directly off a major thoroughfare; properties further up Mill Lane are set further back and traffic is at a distance

*Refer to 'Principle of development' section of report*

Design

- New building appears to be twice height of adjoining garage structure and will be dominant, intruding into garden space and cutting out light from our garden
- Both rear windows will overlook our house
- Patio will lead to noise and disturbance and overlooking of garden

*Please refer to 'Design' section of report*

Amenity

- Sun and light will be severely restricted to my sitting room, bathroom and kitchen by the building
- The rear windows of the new building will directly overlook windows of habitable rooms
- Gardens towards this end of Mill Lane are smaller (than those with developed garage sites further along) and therefore impact on existing properties is greater

*Please refer to 'Amenity' section of report*

Ecology

- Green space, wildlife and trees should be preserved

*Please refer to Trees and Landscaping section of report.*



**Councillor/ Local groups  
comments:**

**Councillor Russell objected on the following grounds:**

My primary concerns about the application relate to the negative impact that the building would have on the surrounding properties in terms of loss of privacy and on neighbouring properties' outlook, as well as on Mill Lane more generally.

Loss of privacy

The proposed new building would have a negative impact on residents living both sides of the development, as it would lead to a considerable loss of their privacy.

The height of the proposed development is as such that the first floor rear windows would look directly into neighbouring living rooms, bedrooms, bathrooms and gardens.

At the moment, the existing residents have total privacy as there are large fences erected along the border with Mill Lane; this new development would remove that privacy.

I believe this therefore contravenes Camden's Policy A1, Managing the impact of development, relating to the loss of visual privacy of the neighbours.

*Officer response: please refer to 'Amenity' section of report*

Outlook / Sunlight

I further contend that the proposed development would impact negatively on existing residents' outlook. Notably, the building would lead to a loss of sunlight in the properties that it would overlook on Hillfield Road - both in their houses and in their garden.

*Officer response: please refer to 'Amenity' section of report*

Design

The development is also not in keeping with the character of the area and is too vast and bulky for the location. In particular, the pitched roof adds unnecessary height to the development, making it almost three storeys high. This is unprecedented for a development along Mill Lane.

I am also concerned that the proposed development would remove much of the garden, which is valued green space.

I therefore believe that this further contravenes Camden's plan in terms of Policy A1, Managing the impact of development, in regard to loss of outlook, and Policy A2, Protection of open spaces, in relation to the protection of other undeveloped areas including gardens.

*Officer response: please refer to 'Design' section of report*

Transport

Lastly, I want to raise my concerns about the impact that this proposed development would have on Mill Lane. Mill Lane is a busy street, and this development would be positioned at a particularly challenging section of the road, just before a crossing and nearby to the shops. I believe that the construction of this development would likely have a negative impact on traffic along Mill Lane, and could even have dangerous consequences too if the construction trucks take up portions of the road.

I also note that it's proposed that the development would be built right up against the boundary edge, squeezing the room that pedestrians have to walk along the pavement.

*Officer response: the proposal would not reduce the pavement width. Please refer to 'Transport' section of report*

**An objection was received from the Fortune Green West Hampstead Neighbourhood Forum on the following grounds:**

Background

There have been some relatively recent developments along this stretch of Mill Lane over the past decade, mostly residential buildings replacing garages. All were approved before the implementation of the Neighbourhood Plan. Whilst there was no coordination of design, what has been built is largely two storey flat roof dwellings, which have largely blended into their surroundings, albeit one was built taller than what was specified in the application and, we believe, is still in the hands of planning enforcement.

*Officer response: the proposed building is now two storeys with a flat roof*

All of the residential buildings have been set back from the pavement, although some have high walls or fences immediately adjacent to the pavement, and others have car parking forecourts. The NF would strongly object to any more car parking forecourts (especially on Mill Lane) for car reduction and road safety reasons.

*Officer response: the building has been set back from the edge of the pavement and comprises no car parking*

Objection

We object to this application on the following grounds

A. The pitched roof is not in the style of recent neighbouring development and needlessly increases the height of the building (see NDP p19)

*Officer response: the pitched roof has now been omitted and replaced with a flat roof*

B. The height of the building does not match neighbouring buildings (see NDP p19)

*Officer response: in this scenario, it would not be appropriate to match neighbouring buildings. Please refer to 'design' section of report for more discussion.*

C. As a garden development the new dwelling should maintain a much lower profile than existing building stock (see NDP p19 A13)

*Officer response: whilst this is not understood as typical garden development, the new building would be two storeys lower than the properties fronting Hillfield Road when viewed from Mill Lane.*

D. The proposal leaves no space between the building and the edge of the pavement (see NDP p19 A12)

*Officer response: the revised proposal shows approx. 1m of space*

Additional comment

Given the poor quality and dangerous cross pavement slopes on much of this stretch of pavement on Mill Lane, we would expect that, should this or any similar development be approved, the drop kerb should be reinstated to provide a level pavement for pedestrian safety. This might require adjustments to the level of the foundations and entrances of the dwelling.

*Officer response: a Highways contribution shall be sought, which would include provision for its reinstatement*

Extract from Fortune Green and West Hampstead NDP page 19 provided (*this is discussed in full in the body of the report*)

**Following re-consultation, a further objection was received from the Neighbourhood Forum on the following grounds:**

1. The NF was pleased to see that this application has reduced the height of the original proposal and changed the roof line. It has also set the building back from the pavement, albeit not as much as hoped.

*Officer response: noted*

2. We note the privacy issues raised by neighbours and hope that the Planning Officer will consider them. The NF does not normally comment on such issues.

*Officer response: the rear first floor windows are to be obscure glazed. Refer to 'Amenity' section.*

3. We would reiterate our comment on the previous application "*Given the poor quality and dangerous cross pavement slopes on much of this stretch of pavement on Mill Lane, we would expect that, should this or any similar development be approved, the drop kerb should be reinstated to provide a level pavement for pedestrian safety. This might require adjustments to the level of the foundations and entrances of the dwelling.*"

*Officer response: a Highway works contribution shall be sought, which would include provision for its reinstatement*

4. We note there is no construction management plan. The access difficulties and pedestrian and traffic dangers at this point of Mill Lane requires a fully detailed one.

*Officer response: a Construction Management Plan will be secured as a section 106 planning obligation and submitted to the Council for discharge once a contractor has been appointed.*



## Site Description

The application site refers to a plot occupied by a three-storey Victorian terrace property on the south side of Hillfield Road.

The site includes a private rear garden leading to a single storey garage building that fronts and can be accessed by car from Mill Lane. The garage building is one in a series of four detached (separated by side access pathways) garage structures belonging to properties no.60-66.

The site is not located in a conservation area.

The site falls within the area covered by the Fortune Green West Hampstead Neighbourhood Plan.

## Relevant History

### Lane to rear of 34 and 40-44 Hillfield Road

**2004/0165/P** - The erection of 4x two-storey houses with forecourt parking facing Mill Lane, to replace 4x existing double garages in the rear gardens of 34 and 40-44 Hillfield Road and replacement of a double garage at the rear of 36 and 38 Mill Lane respectively with new double garages. **Refused 22/11/2004** on the grounds that:

- The proposed new houses with front parking areas would, by virtue of their bulk scale and siting, cause harm the visual character of the surrounding area in terms of building line and degree of openness, would detrimentally alter the balance of built and unbuilt space and would have a poor relationship with pattern of development in the locality*
- The removal of the existing garages would result in loss of off-street parking for existing residents in Hillfield Road and give rise to additional pressure to park in a road identified as a heavily parked street to the general detriment of highway safety and residential amenity*

### **Appeal Dismissed 13/04/2005 (Inspector disagreed with RfR #1)**

**2007/4040/P** - The erection of four two-storey houses to replace four garages on the site within the rear gardens. **Granted Subject to a Section 106 Legal Agreement**

### 33C Mill Lane

**2014/1577/P** - Retention of, and alterations to, single family dwellinghouse (Class C3). Refused and warning of prosecution action 07/08/2014 on the following grounds:

- The height of the building is at odds with the prevalent character of the area and fails to positively enhance the appearance of the streetscene*

## Relevant policies

**National Planning Policy Framework 2019**

**The London Plan March 2016**

**Draft London Plan 2018**

**Camden Local Plan 2017**

G1 Delivery and Location of Growth

A1 Managing the impact of development

A2 Open space

A3 Biodiversity  
D1 Design  
H1 Maximising housing supply  
H4 Maximising the supply of affordable housing  
H6 Housing choice and mix  
H7 Large and small homes  
CC1 Climate change mitigation  
CC3 Water and flooding  
T1 Prioritising walking, cycling and public transport  
T2 Parking and car-free development  
T4 Sustainable movement of goods and materials  
DM1 Delivery and Monitoring

### **Camden Planning Guidance**

CPG (Design)  
CPG (Amenity)  
CPG (Basements)  
CPG (Transport)  
CPG (Planning Obligations)

### **Fortune Green and West Hampstead Neighbourhood Plan (2015)**

## **Assessment**

### **1.0 Proposal**

1.1 The applicant seeks permission for the following works:

- Erection of new two storey 2-bed dwelling house (5.8m (h) x 4.5m(w) x 10m(d)) with hard and soft landscaping to front and rear following demolition of existing single storey garage structure (3.5m (h) x 4.5m (w) x 5.5m (d))

1.2 During the course of the application the following revisions were made:

- Replacement of pitched roof with flat roof
- Alterations to proportions and elevational treatment
- Increase in set-back from the pavement edge

### **2.0 Assessment**

2.1 The planning considerations material to the determination of this application are as follows:

- Principle of development
- Housing mix
- Quality of residential accommodation
- Design
- Amenity of surrounding occupiers
- Transport Considerations
- Trees and Landscaping

### **PRINCIPLE OF DEVELOPMENT**

- 2.2 Policy G1 (Delivery and location of growth) of the Camden Local Plan is concerned with creating the conditions for growth to meet Camden's identified needs in terms of homes, jobs and infrastructure. In order to do this, the Council will support development that makes best use of its site, taking into account such considerations as quality of design, context, sustainability, amenity, heritage and transport accessibility. Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings.
- 2.3 The support at local policy level for developing housing on underused land reflects a key objective of the NPPF 2019 which is to make effective use of land. Paragraph 117 states that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*. It is considered that the application achieves this goal and discussion of how the proposal serves to protect the local environment and provide a good standard of residential accommodation is covered throughout the report. NPPF paragraph 118 states that planning decisions should promote and support the development of under-utilised land and buildings if this would help to meet identified needs for housing.
- 2.4 With regards to garden development, the Fortune Green West Hampstead Neighbourhood Plan (FGWHNP) (Paragraph A13) advises that in order to protect the area's green/open spaces, the development of new dwellings in private gardens should be avoided. If any developments are approved, they should maintain a much lower profile than existing housing stock, usually one or two storeys. In the case of this application, the situation is unusual inasmuch the rear garden meets Mill Lane to form an accessible frontage and several of the rear gardens associated with this side of Hillfield Road have already been developed, either with garages or self-contained dwelling houses. It is also important to note that the application site is already developed with a single storey garage and therefore there would be no significant loss of green garden space or amenity space.
- 2.5 Similarly, part e of policy A2 (Open space) of the Local Plan seeks to protect non-designated spaces with nature conservation, townscape and amenity value, including gardens. A garage structure of no design merit already exists in this location and as such holds no townscape value. As previously stated, most of the site is already developed and there would be very limited impact on nature conservation.
- 2.6 It is considered that a precedent for the development (and re-development) of rear gardens has been established along Mill Lane. Further west, there are 5 two storey self-contained dwellings in addition to 9 single storey garage buildings. It therefore seems more appropriate to conceive the proposal, as far as the policies of the FGWHNP are concerned, as 'infill development' which refers to the replacement or addition of a new house within an existing terrace. This policy shall be discussed further in the design section below.

## **HOUSING**

### **Housing mix**

- 2.7 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings. Furthermore, this part of the Borough is predominantly residential, making it an appropriate location for additional residential accommodation. The proposal would create a new 2-bed dwelling house. As such, the proposal is compliant with policy H1 in terms of land use.



- 2.8 Policy H7 seeks to provide a range of unit sizes to meet demand across the borough and regards 2 and 3-bed units as the highest priority. The proposal would result in a new 2-bed unit and is therefore in full accordance with the priority dwelling sizes of the Local Plan.

### **Quality of residential accommodation**

#### *Size*

- 2.9 CPG2 requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms.
- 2.10 The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The proposed dwelling, which comprises a double bedroom and a single bedroom, would provide 73.6 sqm of residential floorspace. The relevant GIA standards for a 2 bed 3 person dwelling over two storeys is 70 sqm and the proposal is therefore compliant.
- 2.11 In addition, the property would benefit from a private rear garden of 16 sqm which would comprise an area for bin and cycle storage.

#### *Daylight/ Sunlight and outlook*

- 2.12 The property would benefit from having multiple windows on three sides. It is noted; however, that the windows at first floor level to the side and rear would be obscure glazed (see Amenity section) and therefore the building would feel more single aspect at this level. Notwithstanding, the building would receive a very good level of daylight, sunlight and outlook overall with large south facing windows to the main bedroom and open plan kitchen / living area.

#### *Privacy*

- 2.13 There would be a close relationship between the proposed building and the existing properties at no's 60-64 Hillfield Road; however, due to the sloping nature of the site which falls towards Mill Lane, the first floor of the proposed building would effectively align with the ground floor windows of the existing Hillfield Road properties. To protect the privacy of the proposed building and the existing buildings (see Amenity section below), the first floor rear windows would be obscure glazed and fixed shut below a height of 1.7m.

#### *Accessibility*

- 2.14 The dwelling has been designed to be compliant with M4 (2) (adaptable dwellings), which would be secured by condition.

### **Affordable housing**

- 2.15 Policy H4 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 GIA or more. Given the floorspace of the new dwelling would fall below 100sqm, a contribution is not required in this instance.

### **DESIGN**

- 2.16 The Council's design policies are aimed at achieving the highest standard of design in all

developments and policy D1 requires developments to consider the character, setting, context and the form and scale of neighbouring buildings, as well as the quality of materials to be used.

- 2.17 The proposed two storey new building would replace an existing single storey garage structure. The existing building is of no architectural significance and does not positively contribute to the streetscape. As such, its demolition is acceptable.
- 2.18 Policy A12 (infill developments) of the FGWHNP states that *any addition of a new house within an existing terrace should be to the same scale as the terrace, including the roofline. It should be similar in form, materials and details. Houses should be set back from the pavement and match or fit the building lines of existing properties, with front garden areas remaining unpaved. The same principles should apply to vacant sites in streets where there is already a pattern of existing development.* The pattern of development along this side of Mill Lane is atypical as a result of sites having come forward in a piecemeal manner at different points. As such, there is variation in terms of architectural style, height and form. Some of the former garage sites that have been replaced with residential do not demonstrate a high quality of design that complements the surrounding built environment and therefore would not be a good source of design inspiration for the proposed building. Furthermore, the application site is further along Mill Lane and sits amongst single storey garage sites that have not come forward for development yet, but are likely to in the near future. Were the application to be fully compliant with policy A12, the height of the building would have to remain single storey. In this location, near to an existing two storey terrace and on the opposite side of the street to three storey properties, it is considered that the plots have the potential to accommodate more height.
- 2.19 The plot width of the new building would respect the existing garage building and retain the side access path from Mill Lane to the rear garden. The depth of the new building would slightly exceed that of the existing garage building together with front hardstanding area, balancing the space requirements of a 2bed property with the desire to retain as much green garden area as possible.
- 2.20 The new building has a simplicity to its design and allows for the probable scenario of future development coming forward on garage plots either side. The design of the building lends itself to being replicated and would allow for a terrace of properties of the same or similar design.
- 2.21 The building is of classic proportions with the width and height (ground to parapet) corresponding to that of the Victorian terraces further along Mill Lane. The architectural expression is understated but well considered, comprising a single large window at ground and first floor levels. The entrance area is recessed with the ground floor window turning the corner, providing interest and articulation to its frontage at street level. The windows would have a good depth of reveal and stone sills allowing for a building robust in appearance. Further detail of the brickwork, windows and doors would be secured by condition to ensure a high quality finish.
- 2.22 The building line has been considered in relation to that of the wider street, the need for defensible space to the front, and the desire to retain an adequate sized rear garden for both the existing and proposed buildings to the rear. In accordance with policy A12, the building line would be set back from the pavement allowing for some planting.
- 2.23 The existing rear garden would be reduced from 12m (63sqm) to 10m (50sqm). The remaining garden area would then be divided between the existing and proposed buildings. The existing

building would retain 6m (33sqm) of garden whilst the proposed would retain 4m (20sqm) of garden. This arrangement of dividing the garden between the existing and new building is commensurate with those buildings further along Mill Lane that have been developed on garage sites.

## **AMENITY OF NEIGHBOURING OCCUPIERS**

### *Privacy*

- 2.24 CPG Amenity advises that to prevent overlooking between windows, a distance of at least 18m should be provided. The distance between the closest windows on the existing rear elevation of the closet wing of no.62 Hillfield Road (and neighbouring properties, though oblique) and the rear elevation of the proposed building is only 10m. To prevent any loss of privacy, the first floor windows would be obscure glazed and fixed shut below a height of 1.7m. This would be secured in perpetuity by a condition.
- 2.25 The new property would have first floor windows on the western flank wall serving the downstairs WC and stairway. The ground floor would face the existing garage structure at the adjoining plot and the first would have views over the rearmost part of the gardens of the Hillfield Road properties. Whilst the rear part of gardens have less policy protection than the area closest to the house in terms of loss of privacy, a condition requiring this window to be obscure glazed shall nonetheless be applied. This will also avoid preventing any forthcoming development on the plot to the west.

### *Daylight and sunlight*

- 2.26 CPG Amenity promotes the use of the 25 degree test in order to assess whether a full BRE assessment is required. It states, a 25 degree line should be projected from the centre of the lowest window of existing residential properties opposite the proposed development. If the whole the proposed development is lower than this line then it is unlikely to have a substantial effect on the daylight enjoyed by occupants in the existing building.
- 2.27 The applicant has provided a whole site section demonstrating that, by virtue of the topography of the site, the proposed building shall sit well below a 25 degrees line as measured from the closest ground floor window of the closet wing of no.62 Hillfield Road and also the property opposite on Mill Lane.
- 2.28 There may be an increase in overshadowing to neighbouring gardens; however, this would be a minor increase given the location of the existing garages relative to gardens. It would also only be at certain times of day.

### *Outlook*

- 2.29 Given the downwards sloping site topography away from the Hillfield Road properties, the new building would be sunken with the first floor aligning with the ground floor of 62 Hillfield Road and would therefore have the appearance of a single storey structure when viewed from this property. Whilst the new building will be visible from no.62 Hillfield Road and the properties either side, it is not considered to have a harmful impact on outlook. Views of the new building will be at a distance of approx. 10m (from 62 Hillfield Road) and would be softened by vegetation.

## **TRANSPORT CONSIDERATIONS**



- 2.30 Several objections refer to the location of the proposed building being dangerous due to it being on a busy street in close proximity to shops and a crossing and situated close to the pavement edge. Whilst often busy, the street is subject to a 20mph speed restriction and the crossing is located a substantial distance away with several residential dwellings situated closer. It is not considered detrimental for buildings to be near to the edge of the pavement provided there is an area of defensible space as is the case with this proposal. The setback would prevent any impact on pedestrian flow whilst the reinstatement of the dropped kerb would improve the pavement environment.

#### *Cycle parking*

- 2.31 Policy T1 requires all new development to provide cycle parking facilities in accordance with the minimum requirements of Camden's cycle parking standards and the London Plan. For residential units with 2 bedrooms, the required provision is 2 cycle spaces. The proposal comprises a cycle parking facility for two bikes in the rear garden, with level access from the street. Full details would be secured by condition.

#### *Car Parking*

- 2.32 Policy T2 of the Local Plan requires all new developments in the borough to be car-free. Accordingly, the new unit will be secured car free via a s.106 legal agreement to ensure that future occupants are aware that they are not entitled to on-street parking permits.
- 2.33 Furthermore, the loss of the garage would remove an existing on-site car parking space. The new dwelling would not accommodate any on-site car parking to the front.

#### *Construction Management Plan*

- 2.34 Given the extent of construction work on a busy street, a Construction Management Plan (CMP) will be secured by Section 106 legal agreement to ensure the proposed development does not create traffic congestion or lead to a loss of amenity for surrounding occupiers in accordance with policy A1. A CMP Implementation Support Contribution of £3,136 would also need to be secured as a Section 106 planning obligation if planning permission is granted

#### *Highway Works*

- 2.35 A financial contribution (£tbc) would be sought for highway works directly adjacent to the site to repair any damage to the pavement caused during construction of the proposed development and reinstate the dropped kerb which is no longer required. This would be secured as a section 106 planning obligation.

### **TREES AND LANDSCAPING**

- 2.36 No trees are to be removed to facilitate the development and there are no Tree Preservation Orders (TPO) affecting any nearby trees. As such, the development is compliant with part j of A3 (biodiversity) which resists the loss of trees and vegetation of significant value including proposals which may threaten the continued wellbeing of such trees and vegetation.
- 2.37 Several objections refer to how the proposal will result in the loss of green and permeable garden space. Approximately 25 sqm of existing permeable ground would be given over to hard standing to include the enlarged footprint of the building and a rear paved area for

amenity space. Details of hard and soft landscaping would be secured by condition to ensure the rear amenity space includes a good proportion of vegetation and soft landscaping.

- 2.38 The site is not located in a flood risk zone; however, given the slight reduction in permeability across the site, a condition will require the submission of details (prior to development) of a Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible. This will ensure that the development does not increase the risk of local flooding.

### **3.0 RECOMMENDATION AND PLANNING OBLIGATIONS**

3.1 Grant conditional planning permission subject to a section 106 Legal Agreement to include the following Heads of Terms:

- Car-free
- Construction Management Plan (plus monitoring support fee)
- Highways Contribution

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 22<sup>nd</sup> July 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

BFA Ltd  
24a Sedley Taylor Rd  
Cambridge  
CB2 8PN

Application Ref: **2019/0682/P**

18 July 2019

Dear Sir/Madam

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**62 Hillfield Road**  
**London**  
**NW6 1QA**

Proposal:  
Erection of two storey 2-bed dwelling house (Class C3) fronting Mill Lane following demolition of existing single storey garage building.  
Drawing Nos: P-01 (A); P-02 (A); P-03 (E); P-04 (E); P-05 (E); P-06 (E); P-07 (E); P-08 (E); P-09 (E); P-10 (E); P-11 (E)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: P-01 (A); P-02 (A); P-03 (E); P-04 (E); P-05 (E); P-06 (E); P-07 (E); P-08 (E); P-09 (E); P-10 (E); P-11 (E)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 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 sill)

b) Manufacturer's specification and 1m x 1m sample panel (to be provided on site) of the proposed brickwork to show type, colour, bond, mortar mix, joint and pointing

The relevant part of the works shall be carried out in accordance with the details thus approved.

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 and policy 2 of the Fortune Green West Hampstead Neighbourhood Plan 2015.

- 4 No 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 demonstrate how the landscaping shall protect and enhance the biodiversity of the site. 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, biodiversity and character of the area in accordance with the requirements of policies A2, A3, A5 D1 of the London Borough of Camden Local Plan 2017 and policy 2 and 17 of the Fortune Green West Hampstead Neighbourhood Plan 2015.

- 5 Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

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 and policy 8 of the Fortune Green West Hampstead Neighbourhood Plan 2015.

- 6 The first floor level windows on the rear elevation and on the west flank wall shall have a restricted opening mechanism and be obscure glazed below a height of 1.7m (FFL). The window shall thereafter be retained as such.

Reason: To prevent unreasonable overlooking of the existing properties on Hillfield Road in accordance with policy A1 of the Camden Local Plan 2017.

- 7 The unit shall be designed and constructed in accordance with Building Regulations Part M4(2) as shown on drawing no's P-10 (E) and P-11 (E)

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 the requirements of policy H6 of the Camden Local Plan 2017.

- 8 Prior to commencement of development, details of a sustainable urban drainage system (SUDS) shall be submitted to and approved in writing by the local planning authority. Such system shall demonstrate greenfield levels of runoff can be achieved where feasible. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.



- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate