

Delegated Report		Analysis sheet	Expiry Date:	06/08/2019
		N/A	Consultation Expiry Date:	14/07/2019
Officer			Application Number(s)	
Sofie Fieldsend			2019/3015/P	
Application Address			Drawing Numbers	
10-11 Wildwood Grove London NW3 7HU			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of hard landscaping of front forecourt (retrospective).				
Recommendation(s):		Refuse planning permission and warning of enforcement action to be taken		
Application Type:		Householder Planning Permission		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	04	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed on the 19/06/2019 and the consultation period expired on the 13/07/2019. A press notice was advertised on 20/06/2019 and expired on 14/07/2019.</p> <p>During this consultation period 3 objections and 1 comment were received from 3, 4-5, 8 Wildwood Grove and one unknown property. Their responses can be summarised as follows:</p> <ul style="list-style-type: none"> • Similar to previously refused works • Tiles appear incongruous and out of character with the uniformity of the street • Should be reinstated as it is in a conservation area and not does comply with guidance • 9 other properties on this street have retained their soft landscaping • Similar to previously refused scheme • Impermeable and does not comply with sustainable drainage policy • Concerns about paintwork out of keeping. <p>Officer response: Please see a discussion of the design implications of the works in the main report below. Paintwork is not part of this application</p>					
Hampstead CAAC	<p>Hampstead CAAC were consulted and objected on the following grounds:</p> <p>‘The Applicant should reinstate the previous soft landscaping as par left-hand neighbour’s in the photograph or prove otherwise. The sidewalk is not needed for access explain to Applicant damage done if this proposal unrepeated. Both properties should be corrected is possible.’</p>					

<p>Hampstead Neighbourhood Forum</p>	<p>Hampstead Neighbourhood Forum were consulted and made the following objection:</p> <p>“The Hampstead Neighbourhood Forum objects to this retrospective application, noting that it is nearly identical to 2018/1022/P, which was refused on the basis that the development would be detrimental to the character and appearance of the conservation area. The current proposal, by virtue of its hard landscaping and nature of the materials, fails to enhance the rustic and green character of the area, and therefore is contrary to Hampstead Neighbourhood Plan DH1 and DH2 as well as Camden Local Plan D1, D2 and CC3.</p> <p>DH1 states that development proposals should demonstrate how they respond and contribute positively to the character of the area. The Plan identifies North End as part of Character area 4, described in Appendix 1 as an area of “overgrown greenery and mature landscape”. It states that “any future redevelopment of the area must consider its location at the edge of the Heath and seek to preserve and enhance its lush open character.”</p> <p>We urge Camden to reject this proposal as contrary to both the Hampstead Neighbourhood Plan and the Camden Local Plan.”</p>
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Site Description

The site contains a two storey mid terrace property is located along the North-West side of Wildwood Grove. The site is located within the Hampstead Conservation Area and while the building is not listed, it is recognised as making a positive contribution to the character of the conservation area.

The Hampstead Conservation Area Statement identifies Wildwood Grove as an unmade road with a terrace of two storey brick cottages with very small front gardens. Built in 1886-7 with Wildwood Terrace by a local builder, they have keystones over the flat-arched windows and a parapet to butterfly roofs. The rear boundary lies on Hampstead Way and is the Borough and Conservation Area boundary.

Relevant History

Application site

2018/1023/P- Erection of a single storey rear extension and extension to existing first floor rear terrace. Alterations to first floor rear fenestration. **Granted 08/05/2018**

2018/1022/P - Increase in pitch of rear outrigger roof at first floor and alterations to front garden landscaping – **Refused 11/06/2018**

Reasons for refusal:

- 1) The proposed alteration to the roof pitch of existing first floor outrigger, by reason of its siting, detailed design and resultant form, would adversely affect the existing proportions and symmetry of the host property and the wider terrace harming the character and appearance of the conservation area. The proposal is therefore contrary to policies D1 and D2 of the London Borough of Camden Local Plan 2017 and emerging policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.
- 2) The proposed hard landscaping of the front forecourt, by reason of its materials and the loss of soft landscaping with a permeable surface, would harm the verdant character of the road to the detriment of the character and appearance of the conservation area. Furthermore, it would contribute to surface water run off increasing the risk of flooding. The proposal is therefore contrary to policies D1, D2 and CC3 of the London Borough of Camden Local Plan 2017 and emerging policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

Draft New London Plan Consolidated version (2019)

Camden's Local Plan (2017)

- Policy A1 – Managing the impact of development
- Policy D1 – Design
- Policy D2 – Heritage
- Policy CC3 – Water and Flooding

Hampstead Neighbourhood Plan (2018)

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

Supplementary Guidance

- CPG Altering and extending your home (2019)
Chapters:
1 - Introduction
2 - Design excellence
5 – Gardens, garden buildings and biodiversity
- CPG Design (2019)
Chapters:
1 - Introduction
2 - Design excellence
3 – Heritage
4 – Landscape and the public realm
- CPG Amenity (2018)

Hampstead Conservation Area Statement (2001)

Assessment

Proposal

1.1 Planning permission is sought retrospectively for the erection of hard landscaping to the front garden. The hardstanding is grey ceramic tiles and occupies the full width of the property. It replaces the pre-existing soft landscaping.

1.2. It is noted that permission was refused previously under planning reference 2018/1022/P for hard landscaping in the front garden. It was then constructed without planning permission following the refusal.

Assessment

- 2.1 The main considerations in relation to this proposal are:
- Design and Appearance
 - Impact on the amenity of adjoining occupiers

3.0 Design and Appearance

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 seek to secure high quality design in development and require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d. is of sustainable and durable construction and adaptable to different activities and land uses;
- e. comprises details and materials that are of high quality and complement the local character;

f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.

3.2 Camden's design policies are supported by Camden Planning Guidance Altering and Extending your home and CPG Design. Camden Planning Guidance document CPG Design advises that 'the Council will discourage the replacement of soft landscaping with hard landscaping in order to preserve the environmental benefits of vegetation. However where hard landscape is unavoidable we will seek sustainable drainage solutions to any drainage (see CPG Water and Flooding for more information on implementing SuDs)'. Policy D2 additionally states that the Council will only permit development within conservation areas that preserves or enhances the character and appearance of the area.

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

3.4 The front of the terrace on Wildwood Grove is characterised by its exposed brick facades, which are softened by the variety of greenery and planting contained in the narrow plantable strips between their ground-floor windows and the threshold with the unmade road. The extent of planting to these front spaces is a defining characteristic of the street and creates a sense of the street spilling out into the adjacent Heath land. Wildwood Grove is one of a small collection of streets that sit between open parkland / designated metropolitan open land both to the West and East and the visual connection between the properties on these streets and the adjacent park is a defining aspect of their character. The areas of planting to the fronts of dwellings therefore performs an important role in maintaining this character of a transition to a more verdant setting to the East. In addition, the rhythm of this terrace elevation is crucial to its overall contribution to character and appearance of the Conservation Area, and its disruption by the loss of soft-planted elements would harm the visual quality of the terrace in oblique and orthogonal views. Although the properties are not highly prominent within the Conservation Area, it is noted that they are none the less highly characterful and offer a strong positive contribution to the character of this section of the conservation area as demonstrated in the image below. Were retrospective permission granted, two properties would feature no softlandscaping to the front boundary eroding the group value of the terrace. Furthermore, if such works were to be carried on further down the row then the resulting impact to character would become even more pronounced.



Image One: Existing lane looking East towards the Heath (trees in distance)

3.5 CPG Altering and extending your home states that 'front, side and rear gardens of Camden's urban townscape provide an extremely important asset to the borough's attractiveness and character. They also contribute to the setting of individual buildings and Conservation Areas. Front and rear gardens have become particularly prone to development pressure where loss of vegetation has resulted in the erosion of local character and amenity, biodiversity and their function as a sustainable drainage system to reduce local storm water run off. It further adds that no more than 50% of the frontage area should become hard landscape and permission will not be granted for hard landscaping greater than 5sqm that do not incorporate sustainable urban drainage systems (SUDS) into the design.

3.6 The proposed hard landscaping occupies the entire front curtilage of the dwelling (11.2sqm) and the ceramic paving slabs are not permeable so SUDS has not be incorporated into the design. It is considered that it would therefore contribute to surface water runoff which would increase the risk of flooding. In addition the slate paving would appear at odds with the character of the street in terms of its material and siting and would neither enhance nor preserve the character and appearance of the host property, streetscene or Hampstead Conservation Area.

3.7 This development is therefore considered to be a detriment to the character and appearance of the existing building, the street scene and the Hampstead Conservation Area and contribute to surface run off increasing the risk of flood. This proposal is therefore contrary to policy D1, D2 and CC3 of the London Borough of Camden Local Plan 2017.

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

3.9 This development is therefore considered to be a detriment to the character and appearance of the existing building, the street scene and the Hampstead Conservation Area. This proposal is therefore contrary to policies D1, D2 and CC3 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

3.10 It is noted that the proposed hard landscaping to the front of the property is also not considered to be permitted development as it is not a permeable material and covers an area of over 5sqm. Class F (hard surfaces incidental to the enjoyment of a dwellinghouse) states that either the hard surface should be made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

4.0 Amenity

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

4.2 Given the development's siting, scale and separation distance to neighbouring properties it is not considered to harm the amenity of any neighbouring property in terms of overlooking, privacy or loss of light.

5.0 Conclusion

5.1 To conclude the proposal is contrary to CPG Altering and extending your home, CPG Design and policies D1, D2 and CC3 of Camden's Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

6.0 Recommendation

6.1 Refuse planning permission.

Issue an enforcement notice

Authorise enforcement action

That the Borough Solicitor be instructed to issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under section 178 in order to secure cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

The unauthorised erection of hard landscaping of front forecourt

The Notice shall require that, within a period of 3 months of the Notice taking effect:

Removal of hard landscaping of front forecourt and reinstatement of soft landscaping

Reasons for Issuing the Notice:

1) It appears to the Council that the above breach of planning control has occurred within the last 4 years.

2) The unauthorised development by reason of its materials and the loss of soft landscaping, would harm the verdant character of the road to the detriment of the character and appearance of the terrace

and conservation area. Furthermore, the lack of any permeable surface would contribute to surface water runoff, increasing the risk of flooding. The proposal is therefore contrary to policies D1 (Design), D2 (Heritage) and CC3 (Water and flooding) of the London Borough of Camden Local Plan 2017 and policies DH1 (Design) and DH2 (Conservation Areas and Listed Buildings) of the Hampstead Neighbourhood Plan 2018.