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PROJECTS TOWN PLANNERS

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Planning Dept
Camden Council
Letter sent by email to
rachel.english@camden.gov.uk

9th January 2020

Dear Ms. English,

RE: 4B HAMPSTEAD HILL GARDENS, NW3 – OBJECTION TO APP 2019/5835/P

We act for Mrs. Janna Williams, who lives at 4A Hampstead Hill Gardens. Our client is the owner & occupier of that property and has lived in the street since 2002.

We have been asked to assess the scheme on the adjacent site (**app: 2019/5835/P**), to see if there are any problems with it. We have concluded that the scheme as proposed still contains fundamental flaws and should therefore be refused planning permission. Our comments are set out below and the relevant policies and standards referred to.

THE PROPOSAL

A first scheme under app **2019/2964/P** was lodged and was then withdrawn. The current application (**2019 /5835/P**) is slightly more compact at third floor level but it remains top heavy and over bulky in this region, thus adversely dominating the streetscape. Thus, our client's objection is maintained and this letter, whilst bearing in mind the marginal reduction in mass, continues the theme that the scheme represents the overdevelopment of a small and tight site, thus harming local character and the heritage qualities of the conservation area.

The proposal represents a comprehensive redevelopment of No. 4B, into a four level house. At the moment, the site is made up of a two storey house built in the 1960's with relatively modest massing. The replacement building is altogether more massive, with it being tall and 'top heavy' – on three levels plus basement – with varied roof and extending along the boundary to No. 4A.

The 3D illustrations clearly show the imposing scale of the proposal:



THE EXISTING MASSING & DEVELOPMENT HISTORY

A material consideration important to the current case is that the existing massing of 4B is sympathetic and harmonious with No. 4A. The two properties are located on the inside curve of the horseshoe shaped street, at a very sensitive townscape position. The more modest massing in this area, as one moves around the corner, provides a sense of relief to the large houses opposite. Together with the trees and greenery around the two houses, the site in its current form works well in townscape terms. The current buildings are shown thus:



It should be noted that the existing rear part of No. 4B already has material adverse outlook and light shading problems on No. 4A. This looks thus:



Originally, the site was a tennis court to No. 4. This would have provided even more openness and greenery around the curved streetscape. Then in 1955, the site was split and a house and side garage were built. Later still, a floor was added to the garage and it became a separate house (1967). It seems therefore, that the current form of 4A and 4B are very much related and it is contended that this relationship should be broadly maintained.

What is not acceptable is for 'creeping development' to occur. This occurs when a development is added to and added to again in later years, with the new developer justifying the next development stage on the previous incremental additions. This has happened with the current scheme.

But in these situations, development cannot go on forever: the development capacity must at some point be reached. It seems clear in the current scheme that that capacity has already been reached with the **existing** massing. We say this in terms of a number of factors: the horizontally focused massing, the massing of the rear projection (which already causes poor outlook for No. 4A), streetscape positioning and heritage and listed building issues – all suggest that the site's development capacity has already been reached.

The best option for this site would be to redevelop or refurbish the building using the existing massing as a starting point. Anything more than this is clearly overdevelopment. This issue is discussed in more detail below.

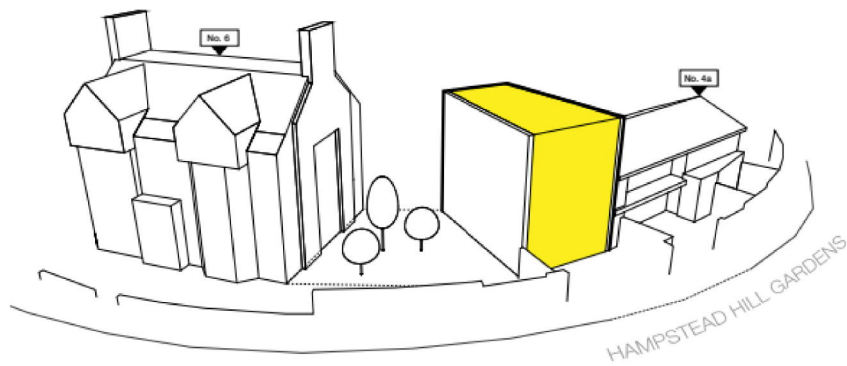
EXCESSIVE SCALE & OVERDEVELOPMENT

The proposed house is out of scale with No. 4A, with large, imposing and 'top heavy' upper parts. The additional floor presented in such a manner is out of proportion to the original house and to No. 4A. Such a large level of development is out of keeping and out of character, and such an excessive scale on a very small site should not be permitted.

Trying to squeeze too much development on the site has resulted in a number of issues: the site coverage is too high, the development is too vertical, views along the street are worsened, the sense of openness is closed down and there will be a very significant overbearing impact – these are all negative impacts that suggest that the proposal is overdevelopment. The proposal does not comply with **the Council's design and amenity based policies** and should be refused outright.

STREET PATTERN & HERITAGE ISSUES

As previously stated, the existing lower massing around the inside curve of the street provides a sense of relief for the large villa style houses all around, including No. 4 and the houses opposite. A clear indication that the current street pattern and massing should be maintained is indicated in the Applicant's 2020 assessment, which shows the following drawing:



Whilst we agree that the design style of the current 4B is not of excellent quality, it is the **MASSING** of it that is very acceptable, in what is a sensitive townscape position. The drawing above shows an unsympathetic massing, representing an awkwardly shaped block of a building on a very tight and small site – this proposed massing in the street pattern does not work and should not be permitted.

There are some critical streetscape views which will be spoilt by the proposed scheme. The main one is the view across the curve of the street, thus:



At the moment, one can see right across the inside curve of the street, but if the tall three storey house as proposed is built, this view will be materially worsened. One will see a vertically orientated

block inserted in the street scene. Currently 4A and 4B are a less noticeable infill – this should not be changed.

The streetscape needs to be protected from development that will adversely affect the setting of the listed buildings (Nos 1-9) around the site and worsen the qualities of the conservation area. It is hard to see how this scheme maintains the heritage qualities of the area, let alone improve it.

TOWNSCAPE & LOCAL CHARACTER HARM

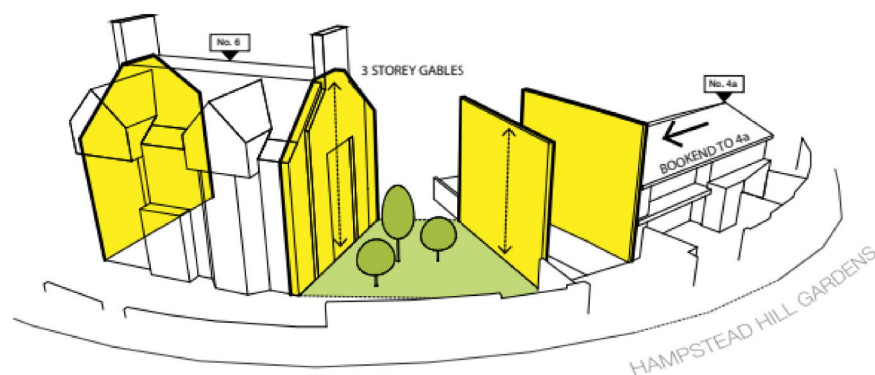
The main townscape requirement should be to relate the proposed building appropriately to its surroundings. The new scheme will block the skyline above the current building, filling it with a very large and awkwardly shaped building mass. A vertical blocking effect is created, which adversely affects local character and causes townscape harm. In addition, the proposed building is overly tall and unacceptably impinges upon the small courtyard garden of No.4A. It is too large in its setting.

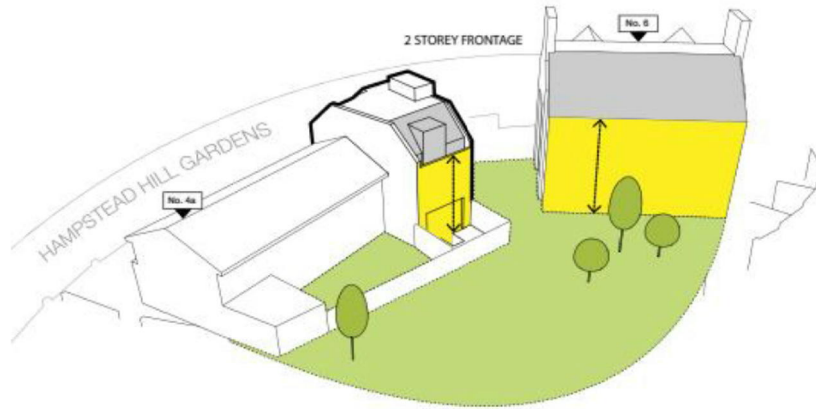
It is contended that townscape quality, local character and distinctiveness will be harmed and that the proposal is unacceptable, undermining townscape quality and the **design policies of Camden Council**, the **London Plan** and the **NPPF**.

OVERBEARINGNESS & LOSS OF OUTLOOK & DAYLIGHT

The excessive scale will radically alter the relationship with No. 4A. The application drawings clearly show that a very large massing will be situated exceedingly close to the neighbouring garden boundary – this will create an excessive overbearing and over dominant impact, with a resulting loss of outlook and daylight as seen from the habitable rooms of No. 4A. We are not only talking about a loss of daylight but also a wholesale worsening of the views from inside No. 4A and a closing down of its small courtyard garden.

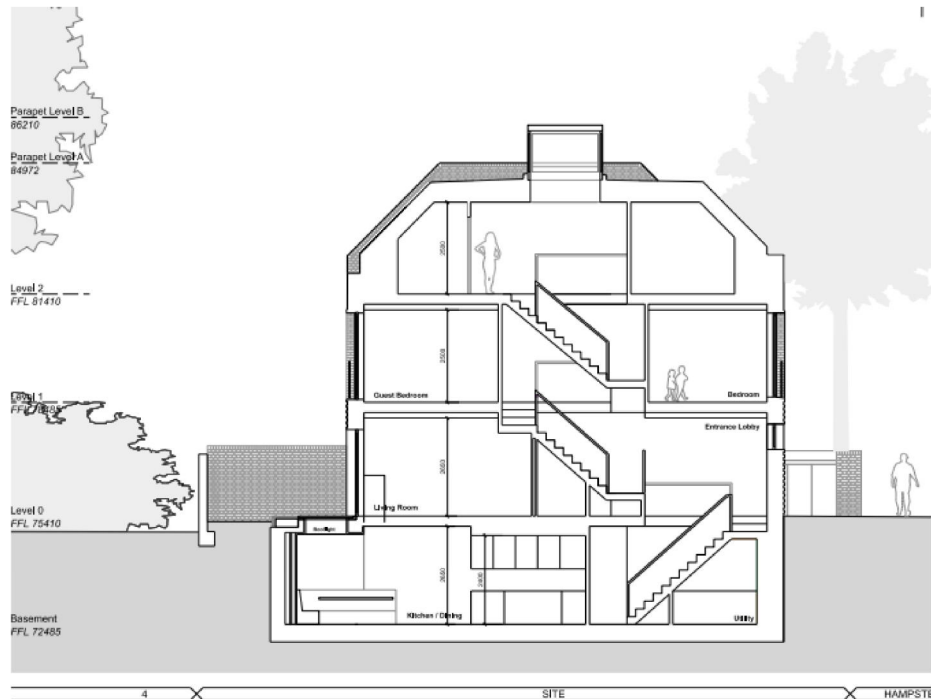
What we find remarkable about this scheme is that the Applicant uses the greater massing of Nos. 6 and 8 to justify a large rear projection, thus:





Yet, it is obvious that the initial design reference should have been the house at 4A, which forms part of the architectural grouping.

The analysis goes on to show a cross section that demonstrates what an overbearing impact on No. 4A that the new rear part will have:



Looking at the application drawings and the 3D representations (see below), it is very obvious that the proposed rear part massing is poorly designed. The house will be awkwardly extended, with a height and building mass that is over-proportionate to No. 4A. The proposal provides an excessive building mass, which will result in an adverse impact in terms of loss of outlook, overbearing impact and loss of skyline view. It is a rear part massing that really should not be permitted on such a small and tight site.

The additional point is that the existing massing of the rear part already results in a loss of outlook, and this negative impact should not be further extended.

The planning application should be refused on loss of outlook and amenity impact grounds.



Illustrative image of proposal

POOR DESIGN QUALITY

The vertically focused, three storey with basement building contains varied detailing with inappropriate roof form. It is very much a development with its own strong identity, and does not adopt the more sympathetic design approach that is needed in a conservation area and close to a number of listed buildings. Limited thought has been put into the design style of the scheme, other than proposing some brick patterning on the large side flank wall. The design style is out of character with the street scene and is an example of a **'poor design'** that local policy and the **NPPF** seeks to negate.

CPG Design seeks design excellence. The guidance is very clear that a wider design process than just formulating the building itself should be adopted:

KEY MESSAGES

Camden is committed to excellence in design and schemes should consider:

- The context of a development and its surrounding area;
- The design of the building itself
- The use and function of buildings;
- Using good quality sustainable materials;
- Creating well connected public spaces and good quality public realm
- Opportunities for promoting health and wellbeing
- Opportunities for improving the character and quality of an area

In that the development does not respond positively and sensitively to existing context, the scheme is very clearly not of design excellence. Indeed, it is precisely the type of scheme that the guidance seeks to negate. In particular, the scheme fails the following design requirements:

2.11 Good design should respond appropriately to the existing context by:

- ensuring the scale of the proposal overall integrates well with the surrounding area
- carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area
- positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks. This is particularly important in conservation areas;
- respecting and sensitively responding to the natural and physical features, both on and off the site. Movement of earth to and from and the around the site should be minimized to prevent any negative impact.

And on heritage issues:

The Council will only permit development within conservation areas that preserves and where possible enhances the character and appearance of the area.

Since the design quality of the scheme is of a mediocre quality that does not respond to local context or the setting of the listed buildings, permission should be refused.

THE BASEMENT

The Applicant's BIA has serious shortcomings. It promotes a standard basement extension but does little to address neighbours' concerns. Its scale is not justified and it would be far better if the basement were restricted in size. Also the courtyard should be decreased to a smaller lightwell. This

would allow for planting and better drainage, with the overall development being less likely to affect neighbouring buildings.

The Council's basement guidance in **CPG Basements** states:

KEY MESSAGES

- Basement development must not cause harm to:
 - neighbouring properties;
 - the structural, ground, or water conditions of the area;
 - the character and amenity of the area; and
 - the architectural character and heritage significance of the building and area.
- The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property.
- Basement development must be no more than one storey deep and must not exceed 50% of the garden of the property.

Whilst our client would rather the scheme not have a basement at all, it is recognised that a limited one might be possible. In respect of this idea, reducing the size of the basement, and reducing its projection into the garden (with a limited lightwell) will positively address these issues, whilst at the same time making the scheme comply with the 50% rule. At the moment, the development does not comply with supplementary guidance or the relevant local policies on basement development.

CONSTRUCTION MANAGEMENT

To ease the burden of the scheme on neighbours it is proposed that the construction periods are altered to:

Normal hours of work will be:

Mon – Fri 8.30am – 6pm

Saturday, Sunday and Public holidays – site closed.

PRECEDENT ISSUES

An application can be refused on precedent grounds if a development is repeatable in similar circumstances.

In the case of the current scheme, the tall and narrow massing to three storeys could be repeated in other gaps down the street. Once the current application is permitted it would undermine all of the Council's design and heritage policies and more such unacceptable developments might arise, in other streets too.

The development should therefore be refused on negative precedent grounds.

CAMDEN LOCAL PLAN 2017

The following Local Plan Policies are of relevance to the scheme:

D1 - This policy seeks the highest standards of urban and building design, yet the proposed development is an overdevelopment, is over scaled and out of context with the listed building setting. The scheme represents a poor standard of design.

D2 – The scheme adversely affects Camden’s rich heritage of buildings and environments. A negative precedent will be set if it allowed. A high quality, to scale and heritage acceptable building is not provided.

THE LONDON PLAN

Policy 3.5. seeks good quality design, to take into account local context and character. **Policy 2.6** seeks to maintain and enhance the high quality of life that is already there and **policy 7.4** encourages a design approach that carefully responds to the whole context of a development and builds on an understanding of the place and existing assets. Also, **policy 7.6.** requires that architecture should make a ‘**positive contribution**’. This policy also refers to issues of scale and amenity.

The proposed house, in causing townscape harm, clearly does not comply with these policies, it being over-large in relation to the host building and creating adverse amenity implications. The **London Plan’s** heritage policies are also not complied with.

LONDON PLAN - REPLACEMENT DRAFT

The proposed scheme does not comply with new **London Plan** design policies **D1, D1A, D1B, D2, D3, and D4** and **D5**, and especially the following:

(D1B) Development proposals should:

- 1) **enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions**
- 12) **be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.**

Table 3.2 of the **draft London Plan** provides a comprehensive list of qualitative design aspects. It is contended that the scheme does not comply with these and especially:

Layout, orientation and form	
i	The built form, massing and height of the development should be appropriate for the surrounding context, and it should be shown that alternative arrangements to accommodate the same number of units or bedspaces with a different relationship to the surrounding context have been explored early in the design process (making use of the measures in paragraph 3.1B.24), particularly where a proposal is above the applicable density indicated in Part D of Policy D2 Delivering good design
ii	<p>The layout of the scheme (including spaces between and around buildings) should:</p> <ul style="list-style-type: none"> - form a coherent, legible and navigable pattern of streets and blocks - engender street based activity and provide a sense of safety - maximise active frontages onto public facing sides of a development, where appropriate wrapping around inactive frontages
iii	<p>The site layout, orientation and design of individual dwellings and where applicable common spaces should:</p> <ul style="list-style-type: none"> - provide privacy and adequate daylight for residents - be orientated to optimise opportunities for visual interest through a range of immediate and longer range views, with the views from individual dwellings considered at an early design stage - provide clear and convenient routes with a feeling of safety - help reduce noise from common areas to individual dwellings - help meet the challenges of a changing climate by ensuring homes are suitable for warmer summers and wetter winters

THE NATIONAL PLANNING POLICY FRAMEWORK

In the **NPPF (Para 124)**, the Government attaches great importance to the design of the built environment. The creation of high quality buildings is '**fundamental**'. Good design is a key aspect of sustainable development, and helps create better places.

The **NPPF** at **Para 127** emphasises that planning policies and decisions should ensure that new development:

- b) Is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.**
- c) Are sympathetic to local character and history....**

The application proposal does not meet with these design objectives and thus fails to comply with the **NPPF**. Thus, **NPPF Paras 130** and **195** should be implemented:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss,

REQUEST TO SPEAK TO COMMITTEE

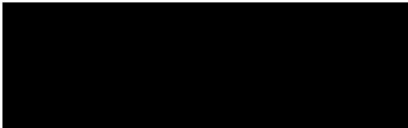
Our client would like (or us on their behalf), if the planning application goes to committee, to make a presentation against this proposal. Could you please advise us on whether this scheme is going to committee or not?

CONCLUSION

The proposed extension, although marginally reduced in size, will worsen townscape and local character, be out of scale with the adjacent building, will excessively impinge upon adjacent private garden space, cause a loss of outlook, and will be overbearing and over dominant, plus the basement is too large. In addition, the listed building setting and conservation area will both be adversely affected. It is an obvious case of overdevelopment and poor design and, when setting all of this within the context of the pertinent planning policy and guidance, it is clear that planning permission should be refused.

The Council is therefore requested to refuse consent.

Yours Sincerely,



PETER KYTE
TOWN PLANNER
ENABLING PROJECTS (TOWN PLANNERS)

cc. Mrs. J. Williams