

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b> 05/08/2016	
		N/A		<b>Consultation Expiry Date:</b> 01/02/2017	
<b>Officer</b>			<b>Application Number(s)</b>		
Kate Henry			2016/3252/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
4 The Hexagon Fitzroy Park London N6 6HR			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of a 3 storey 5-bed dwelling following demolition of existing 3 storey dwelling, and associated works					
<b>Recommendation(s):</b>		Refuse planning permission			
<b>Application Type:</b>		Full planning permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>10</b>	No. of responses	<b>23</b>	No. of objections	<b>23</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed on 06/07/2016 (expiry date 27/07/2016) and the application was advertised in the local press on 07/07/2016 (consultation expiry date 28/07/2016)</p> <p>Objections have been received from 11x different local residents, as well as 12x allotment holders. The comments are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Harm to Conservation Area</li> <li>• Impact on setting of 10 Fitzroy Park (grade II listed building) and its boundary wall (curtilage listed)</li> <li>• The house forms part of an important group of houses, designed by Leonard Michaels</li> <li>• Overdevelopment of the plot</li> <li>• New house is out of keeping with its surroundings</li> <li>• New house has overly defensive appearance</li> <li>• Sets a precedent for further demolition of other houses in The Hexagon</li> <li>• Demolition is not justified, the house should be refurbished instead</li> <li>• Replacement dwelling has 5 bedrooms not 3</li> <li>• The houses in The Hexagon require parking as there is no public transport nearby</li> <li>• Larger house with more bedrooms would require more parking</li> <li>• Noise and disruption during the construction period</li> <li>• Impact on ability of other residents in The Hexagon to park and access their houses during the construction period</li> <li>• Fitzroy Park cannot cope with all the construction vehicles</li> <li>• Impact on trees and tree roots on access roads during construction process</li> <li>• Overlooking to No. 10 Fitzroy Park – from extensive glazing and from terraces, made worse by change in ground levels</li> <li>• Overlooking to 1 The Hexagon</li> <li>• Impact of basement construction on groundwater flow and ground movement</li> <li>• Proposal to suspend allotment parking is unacceptable as it will impact on the allotment users (many elderly and reliant on their cars) and the cars will just be displaced to the wider area</li> <li>• Land ownership / covenants</li> </ul>					

<p><b>Highgate CAAC</b></p>	<p>Highgate CAAC objects on the following grounds:</p> <ul style="list-style-type: none"> <li>• The application shows no understanding of the nature of this house or the group development of which it forms a part. The Hexagon was designed by Leonard Michaels to epitomise his views on discreet small group development which would encourage a community spirit among the residents and would ensure at the same time that each family could enjoy a degree of privacy unusual in this kind of arrangement. It is probable that he became involved in this project because his friend and mentor Ove Arup lived a little further up the road.</li> <li>• These houses can and have been (see No. 3) sensitively restored to bring them up to more recent standards of insulation and the like. To demolish this house and build a much more assertive bulky replacement will destroy the very important sense of place so evident in the Hexagon as a whole. The whole group are due to feature in an exhibition on Modern Houses in Highgate in the autumn and to allow this demolition will appear as nothing short of vandalism. It will certainly be to the detriment of the CA and against the provisions of the NPPF re demolition in CAs and damage to heritage assets.</li> <li>• Loss of trees</li> <li>• Increase in construction traffic in a very confined site (the approach driveway is only 3 m wide)</li> <li>• Interference with ground water flows and run off in an area subject to flooding in heavy rainfall</li> </ul>
<p><b>Fitzroy Park Resident's Association</b></p>	<p>The Fitzroy Park Resident's Association objects on the following grounds:</p> <ul style="list-style-type: none"> <li>• Impact on trees and tree roots on access roads during construction period</li> <li>• General disturbance to the area during the construction period resulting from increased vehicle movements</li> <li>• Impacts of basement construction</li> <li>• Draft CMP is inadequate</li> <li>• Fitzroy Park and The Hexagon are private roads and agreement would be needed from all landowners to use the roads for construction traffic</li> <li>• (The FPRA has commissioned its own expert reports on the BIA, the draft CMP and arboriculture, which have been provided to the Council as part of their objection.)</li> </ul>
<p><b>Highgate Society</b></p>	<p>The Highgate Society objects on the following grounds:</p> <ul style="list-style-type: none"> <li>• Main concern is the destruction of an element which currently forms part of cohesive small development within Camden's Highgate Conservation Area</li> <li>• The Hexagon represents important piece of small scale urban design - it has been altered over the years but these interventions have been low key and sympathetic to the overall ethos of the original scheme, thus preserving its integrity.</li> <li>• New house is totally alien in scale and design</li> <li>• Significant increase in size of dwelling</li> </ul>

**Twentieth Century  
Society**

The Twentieth Century Society objects on the following grounds:

- The Hexagon is an interesting private estate built in the 1960s, and the Society considers that it contributes to the rich twentieth century heritage of Fitzroy Park and the Conservation Area.
- The architecture is that of 'New Humanism', a style influenced by Swedish design of the 1940s, and widely referenced in municipal and private housing during the period.
- It was designed by Leonard Michaels, a friend of Ove Arup who lived in Fitzroy Park; Michaels also had connections with other important figures, working for a time with Erich Mendelsohn upon moving to America.
- The estate is comprised of six individual houses which turn around the gently sloping site. Although each house is unique in plan form and varied in size, they all share a common configuration and palette of materials; flat roofed, they are clad with cedar wood weatherboarding and slim profile, sand coloured stretcher bond bricks.
- On completion, the Hexagon bore much resemblance to the contemporary work of Eric Lyons, particularly in the way the houses related to one another, and were carefully integrated into the landscape. Several of the houses have been altered over the years, particularly No. 1 and No. 3; however, we consider that the coherence of the original scheme is still intact, and the intention of Michaels is still legible.
- The Society considers that the demolition of No. 4 would harm the coherence of the estate. It would result in the total loss of one of the more intact of the houses, and would harm the overall unity of the group. The Society considers that this loss would be regrettable, and instead recommends that the house is retained and sensitively brought up to the modern standards required by the applicant.

## Site Description

The application site is 4 The Hexagon. The Hexagon is a group of 6 houses in a cul-de-sac that leads off Fitzroy Park (a private road) in the Highgate ward of Camden, dating from the 1960's. The group of houses are all two storey with flat roofs (except No. 4 which is partly 3 storeys and features a sloping roof) and feature a similar palette of materials, including brickwork and timber cladding. No. 4 is located on the southern side of the road, to the south-east of No. 3 and to the north-west of No. 5. There is space for 2 cars to park to the north-east of the building. The property benefits from a private rear garden to the side (west) and rear (south-west) of the building. The local topography slopes down to the south / south-east, such that all the buildings in The Hexagon are at different levels and their roofs are highly visible from Fitzroy Park, which runs in a north-east to south-west direction at its point nearest to The Hexagon.

The application site is within the Highgate Conservation Area. The following underground development constraints apply: subterranean (groundwater) flow; surface water flow and flooding; and slope stability.

The application site also falls within the area covered by the Highgate Neighbourhood Plan.

The surrounding area is predominantly residential in character. Hampstead Heath is approximately 300 metres to the west of the application site.

## Relevant History

### 4 The Hexagon

**8903226:** The erection of a roof extension. Refused 21/08/1989. **Appeal allowed 03/08/1990.**

**8802237:** Erection of a roof extension and creation of a roof terrace. **Refused 06/09/1988. Appeal dismissed 20/10/1989.**

**8400035:** Alterations to and enlargement of windows on the north and west elevations including the provision of a balcony rail to the enlarged first floor window on the west elevation. **Granted 27/03/1984.**

### 1 The Hexagon

**2016/2031/P:** (Lawful development certificate) Erection of rear conservatory to replace existing. **Granted 27/04/2016.**

**9500673:** Alterations and additions to the existing house including single storey extensions on the north-east and south-west flank elevations. **Granted 09/06/1995.**

**8501054:** Erection of an extension over an existing garage and a pergola on the north west elevation and relocation of an approach staircase. **Granted 14/10/1985.**

### 3 The Hexagon

**2012/2510/P:** Reconfiguration of rear (west) elevation including re-cladding, fenestration alterations and provision of sedum roof; erection of replacement front (east) elevation porch and associated alterations including landscaping works to single dwellinghouse (Class C3). **Granted Subject to a Section 106 Legal Agreement 21/11/2012.**

**2003/3662/P:** Construction of a single storey extension to the east elevation of the existing house. **Granted 13/02/2004.**

**PEX0201111:** The demolition of existing single storey annexe and erection of 2-storey side extension

and second floor extension including erection of new pergola in rear garden. **Refused 01/05/2003. Appeal dismissed 14/07/2003.**

### **5 The Hexagon**

**2019/0508/P:** Erection of single storey front extension, two-storey rear extension, and single storey side and rear extension to replace existing garage; replacement of front, rear and side windows and doors and front cladding; installation of 2 x rooflights to main flat roof. **Decision pending.**

### **6 The Hexagon**

**2006/4220/P:** Erection of single-storey infill extension to rear, first floor extension to rear, single-storey extension to side with terrace over and increase in height of garage roof (Use Class C3). **Granted 24/11/2006.**

## **Relevant policies**

### **National Planning Policy Framework (2019)**

### **London Plan (2016)**

### **London Plan (Intend to publish) (2019)**

### **Camden Local Plan (2017)**

G1 Delivery and location of growth

H1 Maximising housing supply

H6 Housing choice and mix

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

A5 Basements and Lightwells

D1 Design

D2 Heritage

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC5 Waste

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

T4 Sustainable movement of goods and materials

DM1 Delivery and monitoring

### **Highgate Neighbourhood Plan (September 2017)**

### **Highgate conservation area appraisal and management strategy (October 2007)**

## Assessment

### 1. The Proposal

1.1. This application seeks planning permission for the following:

- Demolition of existing 3 storey dwelling
- Erection of replacement 3 storey 5-bed dwelling

1.2. The proposed replacement building is of a contemporary design made up of a number of elements, with varying heights. The proposed building materials are predominantly: brickwork, aluminium fins, glazing.

1.3. The proposed building would be no taller than the tallest point of the existing building (maximum 8.8 metres from the adjacent ground level); however, the replacement building would have a flat roof rather than a sloped roof and would therefore have greater overall bulk and massing than the existing building.

1.4. The amount of floorspace in the replacement building would increase from 212.6 sqm to 397.7 sqm. This is achieved by excavating further into the hillside, such that the lower ground floor would increase from 55.4 sqm to 180.2 sqm. The lower ground floor of the replacement building would only be 0.47 metres lower than that of the existing building.

### 2. Revisions

2.1. The following revisions have been made during the course of the application:

- Revised bike store details
- Reduction in size of hardstanding for car parking
- Amended BIA

### 3. Assessment

3.1. The principal considerations material to the determination of this application are summarised as follows:

- The principle of development
- Heritage and design
- Basement considerations
- Trees and landscaping
- Transport considerations
- Sustainability considerations
- The impact on nearby and neighbouring properties
- Living standards for future occupiers

### 4. The principle of development

4.1. Insofar as there would be no net gain or loss of dwellings, the proposal is considered to be acceptable.

4.2. The application site is located within the Highgate Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).

4.3. The Highgate Conservation Area Appraisal and Management Strategy (HCAAMS) notes that the conservation area is facing unprecedented pressure for residential development, including proposals to demolish and replace existing single family dwellings (page 9). With regards to

demolition, the HCAAMS notes that: *“The Council will normally expect all buildings that make a positive contribution to the character or appearance of the Conservation Area to be retained, unless their loss is considered to be justified”* (page 60).

- 4.4. The application site is within Sub-Area 2 (Fitzroy Park) of the Highgate Conservation Area. The HCAAMS notes that: *“The character of the area is derived from the close relationship between the topography, the soft landscape and the groups or individual houses built within it. There is an overriding impression of heavy foliage and mature trees as well as the sense of open space denoted by the Heath at the bottom of the hill. There is also a sense of seclusion as the road is private and is gated at its northern end”* (page 29).
- 4.5. In describing The Hexagon, the HCAAMS notes: *“The Hexagon, formed around a cul-de-sac in a dip in the land, consists of flat-roofed two-storey houses in brick with timber cladding by the architect Leonard Michaels, dating from c1960. No 1 The Hexagon has a strange, open timber structure. No 3 is notable for its glazed first-floor corridor, albeit in poor condition. The site of the houses sits snugly below the road level making the roofscape more visible”* (page 31).
- 4.6. The Highgate Neighbourhood Plan (HNP) sets out the Highgate Neighbourhood Forum’s vision for the next 15 years. Core Objective 5 of the HNP is to preserve and enhance Highgate’s unique character. The supporting text to the policy (page 55) notes that, despite its conservation area status, Highgate has recently suffered from insensitive development that has undermined the integrity and coherence of the conservation areas, their buildings and their settings. The demolition of good quality buildings and their replacement with designs not in keeping with the character of the area is provided as one example of how the area has suffered.
- 4.7. Policy DH1 of the HNP notes that: *“Proposals to demolish buildings and structures that are non-designated heritage assets will be subject to a balance judgement with regard to the scale of the loss and the significance of the asset. Any proposed replacement should make a positive contribution to the conservation area”*.
- 4.8. No. 4 The Hexagon is not specifically identified within the HCAAMS as making a positive contribution to the character and appearance of the conservation area (No. 3 is the only property in the cul-de-sac to be specifically listed as a positive contributor); however, CPG Design notes that non-designated heritage assets may be identified as part of the planning process and in this case the Council considers that the building makes a positive contribution to the character and appearance of the conservation area by virtue of the group value of the 6 dwellings that make up The Hexagon.
- 4.9. The 6 dwellings in The Hexagon have a strong group value and inter-relationship derived from being a designed estate with a planned layout. As such, each house and its setting was carefully thought out by the architect Leonard Michaels and there is a balance of built form and open space. Overall, The Hexagon is modest in scale and is informal in the way each house blends with the landscape.
- 4.10. In 1988, planning permission was sought for the erection of a roof extension and creation of a roof terrace at the application building. The application was refused and an appeal against the Council’s decision was subsequently dismissed. The Inspector, in his statement, noted that a key issue was the need to preserve or enhance the character and appearance of the area and whether the proposal would materially harm or change the character of development in the conservation area. He noted that: *“There is a consistent pattern of design in this group of dwellings and the existing substantial expanse of low pitched roof on your client’s house may have been deliberately created to ensure an openness about Nos. 3, 5 and 6 The Hexagon”*. He goes on to note that: *“the homogeneity of this group of dwellings would not be significantly affected... the building is not a listed building or a building of exceptionally high quality of design and the appearance of the extended building would not*



*be unpleasing... I do not therefore consider that this development would seriously harm or change the appearance of this conservation area*". (The appeal was dismissed based on the harmful impact on neighbouring properties in terms of overlooking and outlook. A later application for a roof extension was allowed at appeal in 1990).

- 4.11. It is recognised that No. 4 has been altered over the years (for example, the roof extension referred to above); however, the roof extension was carefully designed to minimise its impact on the character and appearance of the host building and the wider area. Other buildings in the group have also been altered (see Planning History above); however, none of the changes have been harmful to the character and appearance of the individual buildings, or the group of buildings, and it is considered that the *'homogeneity of the group of dwellings'*, referred to by the Inspector, remains largely intact.
- 4.12. The loss of a building which makes a positive contribution to the character and appearance of the Highgate Conservation Area (in this case through its contribution to the group value of the buildings that make up The Hexagon) is considered to cause less than substantial harm to the designated heritage asset (the Highgate Conservation Area). Paragraph 196 of the National Planning Policy Framework (NPPF) guides that less than substantial harm to the significance of a designated heritage asset must be weighed against the public benefits of the proposal, and in this case, the Council does not consider there to be any public benefits associated with the proposal that would outweigh the harm caused and therefore there is no justification for the loss.

## **5. Heritage and design**

- 5.1. As noted above, the application site is located within the Highgate Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, No. 10 Fitzroy Park, to the north-west of the application site, is grade II listed and the Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, in accordance with Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).
- 5.2. Notwithstanding the fact that the proposed demolition of No. 4 The Hexagon is considered to cause less than substantial harm to the character and appearance of the Highgate Conservation Area (and therefore the principle of development is not supported), the merits of the proposed replacement dwelling must also be considered.
- 5.3. Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2; comprises details and materials that are of high quality and complement the local character; integrates well with the surrounding streets and open spaces; and preserves strategic and local views. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 5.4. It is recognised that the proposed replacement dwelling would be no taller than the existing (measured at its highest point); however, the replacement building would have much greater bulk and massing than the existing building by virtue of its form. The replacement building would be built into the hillside, to reduce its above-ground visual impact when viewed from the cul-de-sac; however, especially when viewed from the south-west, the replacement building is much more substantial in size and would appear much larger on the plot than the existing building. On this basis, it is considered that the replacement dwelling would appear at odds with its more modest neighbours which would be harmful to the established relationship of built form and open space found within the group of buildings which make up The Hexagon.
- 5.5. It is recognised that all the other houses in The Hexagon have a flat roof, which the proposal

seeks to replicate; however, as highlighted by the Inspector in the 1988 appeal (see paragraph 4.10), it is possible that the sloping roof at No. 4 was deliberately designed by Leonard Michaels to ensure an openness about Nos. 3, 5 and 6 The Hexagon and to integrate with the local topography and the sloping nature of the site. In contrast, the proposed replacement building would have a boxy and rectilinear form which would not relate as successfully to the local topography and the sloping nature of the site. This would impact on views of the group of buildings when viewed from Fitzroy Park, which would thereby harm the character and appearance of the Highgate Conservation Area.

5.6. The proposed materials are considered to be acceptable as they reflect the use of materials on the other houses in The Hexagon without directly replicating them. If the application was otherwise considered to be acceptable, a suitable planning condition could require the submission and approval of facing materials prior to the commencement of development.

5.7. As noted above, No. 10 Fitzroy Park, to the north-west of the application site, is grade II listed and its large garden extends along the south-western edge of the application site. Due to the separation distance between No. 10 and the application site (approximately 37 metres) it is not considered that the proposal would cause harm to the setting of the building. Neither is it considered that the proposed replacement building would cause harm to the curtilage listed wall belonging to No. 10 Fitzroy Park.

5.8. To conclude, the proposed replacement dwelling, by virtue of its bulk, massing and form, is considered to cause harm to the character and appearance of the group of buildings which make up The Hexagon, and also to the wider area, including the Highgate Conservation Area. The application is therefore contrary to the requirements of Policy D1 and D2 of the Local Plan and Policies DH1 and DH2 of the Highgate Neighbourhood Plan and the application is recommended for refusal on this basis.

## **6. Basement considerations**

6.1. Policy A5 of the Local Plan, which relates to basement development, sets out a number of criteria against which to assess proposals. Firstly, the policy notes that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a) neighbouring properties;*
- b) the structural, ground, or water conditions of the area;*

6.2. The policy notes that, in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment (BIA) and where appropriate, a Basement Construction Plan.

6.3. A BIA was submitted with the application, and was subsequently amended, in response to queries from Campbell Reith (who have independently audited the BIA). In the original BIA, a 'No' response was given to Question 6 of the Hydrology screening which relates to whether or not the site is in an area at risk from flooding; however, Figure 3iii of the Camden Strategic Flood Risk Assessment indicates that the site is in an area at risk from surface water flooding. A site specific Flood Risk Assessment was requested by Campbell Reith but was not provided despite ongoing correspondence to suggest it might be provided. Campbell Reith have now therefore advised that the BIA does not meet the requirements of Policy A5 and CPG Basements due to the lack of the site specific Flood Risk Assessment. The application is therefore recommended for refusal based on the lack of sufficient information to properly assess the impact of the proposed excavations at the site on water conditions in the area.

6.4. Policy A5 also discourages basement development that would cause harm to:

- c) the character and amenity of the area;*
- d) the architectural character of the building; and*
- e) the significance of heritage assets*

6.5. In this case, the application proposes to excavate further into the hillside to provide more floorspace within the replacement building. As discussed above, it is considered that the replacement building would have a detrimental impact on the character and appearance of the wider area, as a result of its additional massing and bulk, and insofar the proposed excavation into the hillside contributes to the additional bulk and massing (by providing a larger footprint to the building), it is considered that the proposal fails to comply with Policy A5 parts (c), (d) and (e). The application is therefore recommended for refusal on this basis also.

6.6. Policy A5 goes on to set out specific criteria against which to assess basement development. It notes that basement development should:

- f) not comprise of more than one storey;*
- g) not be built under an existing basement;*
- h) not exceed 50% of each garden within the property;*
- i) be less than 1.5 times the footprint of the host building in area;*
- j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;*
- k) not extend into or underneath the garden further than 50% of the depth of the garden;*
- l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;*
- m) avoid the loss of garden space or trees of townscape or amenity value.*

6.7. Criteria (f) to (m) is not directly relevant to the determination of this application as the proposal involves further excavation into the hillside rather than fully subterranean development, and the new lower ground floor level would only be 0.47 metres lower than the existing building. Nevertheless, it is worth noting that criterion (i) guides that basement development should be less than 1.5 times the footprint of the host building in area and in this case the footprint of the building is increasing from 55.4 sqm to 180.2 sqm, which is more than 3 times larger than the existing (1.5 times would be 83.1 sqm). This demonstrates the significant increase in size of the new building.

6.8. The policy goes on to note that the Council will require applicants to demonstrate that proposals for basements:

- n) do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';*
- o) avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- p) avoid cumulative impacts;*
- q) do not harm the amenity of neighbours;*
- r) provide satisfactory landscaping, including adequate soil depth;*
- s) do not harm the appearance or setting of the property or the established character of the surrounding area;*
- t) protect important archaeological remains; and*
- u) do not prejudice the ability of the garden to support trees where they are part of the character of the area.*

6.9. The BIA confirms that there will be no impact on the wider hydrogeological environment; and the ground movement assessment predicts Category 0 (negligible) damage for No. 5 The Hexagon and Category 1 (very slight) for No. 3 The Hexagon, which is acceptable. However, as noted above, a site specific Flood Risk Assessment has not been provided and therefore it is not possible to properly assess the impact on the water environment and the application is

recommended for refusal on this basis.

6.10. Policy DH7 of the HNP relates to basements and also sets out criteria by which to assess basement development. It notes that any assessment on the impact of a basement development should demonstrate that:

- I. There will be no adverse effect from subterranean development on the structural stability of adjacent properties and associated potential damage;*
- II. There will be no possibility of irreparable damage to the local water regime both in terms of ground water diversion and surface water flooding;*
- III. There will be no individual or cumulative impact of development on the character and biodiversity of gardens and adjacent open spaces, particularly in designated conservation areas and those areas adjacent to Highgate's Major Open Spaces;*

6.11. The policy also notes that, where there is evidence that there have been problems with drainage or flooding, or desk top surveys indicate problems may arise, applicants will be required to demonstrate to the satisfaction of the LPA that development will not cause or exacerbate such problems; and that under no circumstances should construction be allowed to proceed where there is evidence that damage to neighbouring properties would exceed Burland Scale 1.

6.12. The lack of a Flood Risk Assessment means the proposal also fails to comply with the requirements of Policy DH7 part II of the HNP.

6.13. To conclude this section, the proposed basement fails to comply with the requirements of Policy A5 of the Local Plan and Policy DH7 of the Highgate Neighbourhood Plan. The application is therefore recommended for refusal on this basis.

## **7. Trees and landscaping**

7.1. Policy A3 of the Local Plan seeks to protect and secure additional trees and vegetation. The policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development.

7.2. Policy A5 (Basements) of the Local Plan requires applicants to demonstrate that proposals for basements:

- (r) provide satisfactory landscaping, including adequate soil depth;*
- (u) do not prejudice the ability of the garden to support trees where they are part of the character of the area*

7.3. An Arboricultural Report & Impact Assessment was provided with the application. It notes that within the rear garden there is a Yew tree (T1), a partially collapsed Mulberry (T5), a Lawson Cypress (T4), along with a holly, Irish Yew and two Cherry Laurels (G6). It is proposed to remove the Mulberry (T5) and Cherry Laurel shrubs (G6) in order to enable access. These have been identified as Category C trees and the report notes that they have low amenity value.

7.4. The report notes that there is plenty of scope for new planting at the site to mitigate against the loss of the trees. If the application was otherwise considered to be acceptable, this could be secured by a planning condition.

7.5. Proposed mitigation measures are also provided to protect the retained trees, both during construction and afterwards. If the application was otherwise considered to be acceptable,

further details could be agreed and secured by a planning condition prior to the commencement of development.

7.6. The proposal retains a generous sized private garden to serve the replacement dwelling, which is welcomed.

7.7. Overall, the proposal is considered to be acceptable in this respect.

## **8. Transport considerations**

8.1. Policy T1 of the Local Plan seeks to prioritise walking, cycling and public transport in the borough. The Draft London Plan requires the provision of 2 cycle parking spaces and these would be provided at upper ground floor level in a dedicated store, which would also house waste and recycling. If the application was otherwise considered to be acceptable, a suitable condition could require the submission of full details of the cycle storage prior to the occupation of the building, to ensure that it meets the Council's requirements.

8.2. Policy T2 seeks to limit the availability of parking and requires all new developments in the borough to be car-free. The area of hardstanding to the front forms part of the communal part of the cul-de-sac and its removal would prejudice other occupants of the cul-de-sac. Given this, it is not possible to place tighter controls over car parking at the site. Removing the hard standing would impact on the access way to other properties (6 The Hexagon) and so the retention of car parking spaces would be acceptable as an exception to Policy T2 in this instance.

8.3. The plans have been revised during the course of the application to reduce the size of the hardstanding from 117.5 sqm to 115 sqm, which is considered to be acceptable. Furthermore, the applicant has made provision for future electric charging points to be installed next to the parking area if required, which is also welcomed.

8.4. Policy T4 promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road. Given the constraints of the application site and the nature of the proposed works, if the application was otherwise considered to be acceptable, the Council would look to secure the submission of a Construction Management Plan (CMP) through a legal agreement, in order to ensure that the development could be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. The applicant has failed to enter into a section 106 legal agreement to secure this, and the application is therefore recommended for refusal on this basis.

## **9. Sustainability considerations**

9.1. Policy CC1 requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures.

9.2. A Sustainability Statement has been provided with the application, which provides a brief outline of how the development has been designed to follow the steps in the energy hierarchy (Be Lean, Be Clean, Be Green); however, it does not provide details of the baseline energy demand and carbon dioxide emissions following each stage of the energy hierarchy.

9.3. Policy CC1 (e) requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. The supporting text to the policy notes that the construction process and new materials employed in developing buildings are major consumers of resources and can produce large quantities of waste and carbon emissions. The possibility of sensitively altering or retrofitting buildings should always be strongly considered before demolition is proposed. The Sustainability Statement does not refer

to the demolition of the existing building, which only dates from the 1960's, or provide any discussion as to whether the retention of the existing building is possible. The application is therefore recommended for refusal on this basis.

9.4. The supporting text to Policy CC1 goes on to note that all proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building. The Sustainability Statement also fails to do this and therefore this forms part of the same refusal reason.

9.5. Policy CC3 seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. A suitable Flood Risk Assessment has not been provided and therefore no assessment has been made of the impact of the proposed development on drainage conditions. The application is recommended for refusal on this basis (see basement section for further comment).

9.6. Policy CC4 relates to air quality and notes that the Council will ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough. The policy notes that development that involves significant demolition, construction or earthworks will be required to assess the risk of dust and emissions impacts in an Air Quality Assessment (AQA) and include appropriate mitigation measures to be secured in a CMP. No AQA has been provided with the application and the applicant has failed to enter into a section 106 legal agreement to secure a CMP and therefore the application is recommended for refusal on this basis.

## **10. The impact on nearby and neighbouring properties**

10.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; transport impacts (see Transport section); impacts of the construction phase; noise and vibration levels; odour, fumes and dust; microclimate; and contaminated land.

10.2. The main properties that are likely to be affected by the proposal are Nos. 3 and 5 The Hexagon (the immediate neighbours to the north and south-east respectively). All other nearby residential properties are considered to be sufficiently removed from the application site so as not to be adversely affected by the proposal (other than potential disruption throughout the construction period; however, if the application was otherwise considered to be acceptable a Construction Management Plan would likely be secured by legal agreement, as noted above).

10.3. It is not considered that the proposed replacement dwelling would appear overbearing to either of its neighbours. Whilst it has been noted above that the replacement dwelling would have greater mass and bulk than the existing, the replacement dwelling would still be set away from its neighbours and the fact it would be built into the hillside reduces the impact on the neighbours.

10.4. It is not considered that the proposal would cause undue overlooking towards the neighbouring properties, beyond the level of overlooking that already exists between the separate buildings. If the application was otherwise considered to be acceptable a planning condition could prevent the use of the flat roof on the side element as an outdoor amenity area, as this area is located directly in front of No. 3's windows and the use of this area as a terrace would be likely to cause harm to the occupiers of No. 3 as a result of overlooking.

10.5. The proposal seeks to re-create steps from the front of the building to the main garden which would run along the shared boundary with No. 3. It is not considered that this would lead to undue overlooking into No. 3, over and above the existing situation (there are existing steps in the garden leading to the front of the building). If the application was otherwise considered to be acceptable a suitable condition could require the submission of details of planting and

screening, to mitigate overlooking between the neighbouring gardens.

- 10.6. It is not considered that the proposal would cause undue harm to the neighbouring properties in terms of sunlight, daylight and overshadowing. The replacement dwelling would occupy a similar position in relation to its neighbours and although it would be larger, this is partly as a result of being built into the hillside. No. 4 is located to the south of No. 3; however, any impact on sunlight/daylight at this property is unlikely to be significant and not so severe so as to warrant a refusal of the application on that basis.
- 10.7. It is not considered that the proposed replacement dwelling would cause harm in terms of artificial lighting levels. Although the replacement dwelling features more glazing, the amount of light likely to be emitted from a single family dwelling is not likely to cause undue harm to neighbouring properties.
- 10.8. With regards to noise, there is a sunken courtyard at lower ground floor level, adjacent to 3 of the bedrooms in the new dwelling and this would be located to the front of the side extension at No. 3 (albeit at a lower level). It is possible that the use of this courtyard could impact on No. 4 in terms of noise transfer; however, insofar as the courtyard serves a single family dwelling which also benefits from other outdoor amenity spaces of greater value (e.g. the main garden), it is not considered that the sunken courtyards would be used so intensively so as to cause undue harm to the neighbour sufficient to warrant a refusal of the application on that basis.
- 10.9. There is a plant room highlighted on the plans, but no details have been provided as to what plant would be required and whether any equipment is proposed that would generate a noise externally. If the application was otherwise considered to be acceptable, a suitable planning condition would restrict the installation of plant at the property without the details having been first submitted and approved by the local planning authority.
- 10.10. Overall, the proposal is considered to be acceptable in terms of the impact on nearby and neighbouring properties.

## **11. Living standards for future occupiers**

- 11.1. In relation to housing, part (n) of Policy D1 of the Local Plan requires development to provide a high standard of accommodation. The supporting text to the policy notes that all residential developments are to be designed and built to create high quality homes. New residential development in the borough should be self-contained with its own secure entrance; have good ceiling heights and room sizes; be dual-aspect except in exceptional circumstances; have good light and natural ventilation; have good insulation from noise and vibration; have a permanent partition between eating and sleeping areas; incorporate adequate storage space; incorporate outdoor amenity space including balconies or terraces; and be accessible and adaptable for a range of occupiers.
- 11.2. It is considered that the replacement dwelling would provide a good standard of accommodation for future occupiers in terms of its size, layout, outlook etc. A daylight and sunlight analysis has been provided which demonstrates that the bedrooms all receive good levels of natural light. The replacement building would benefit from good outdoor amenity space, both in terms of terraces and the garden. Waste storage is provided at ground floor level and within the kitchen.
- 11.3. Overall, the proposal is considered to be acceptable in this respect.

**Recommendation:** Refuse planning permission.