

Delegated Report		Analysis sheet	Expiry Date:	02/12/2019
		N/A	Consultation Expiry Date:	24/05/2020
Officer		Application Number(s)		
Rachel English		1. 2019/5141/P 2. 2019/5420/L		
Application Address		Drawing Numbers		
33 Willow Road London NW3 1TN		See decision notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1. Excavation to create basement level, single-storey, side extension below garden. Installation of rooflight to rear roofslope. Alteration to boundary treatment. 2. Excavation to create basement level, single-storey, side extension below garden. Installation of rooflight to rear roofslope and associated internal alterations to dwellinghouse. Alteration to boundary treatment.				
Recommendation(s) :		1. Refuse planning permission 2. Refuse listed building consent		
Application Type:		Full Planning Permission Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	22	No. of objections	21
			No. electronic	00		
Summary of consultation responses:	<p>Two site notices were displayed outside the site from 30th October 2019. A notice was displayed in the local press from 30th April 2020.</p> <p>Following statutory consultation, a petition with 11 signatures from the occupiers of 34, 37, 38, 39, 40 41 and 52 Willow Road has been received. 21 objections have been received from a number of unspecified addresses as well as the occupiers of 34, 35, 37, 38, 39, 40, 41 and 50 Willow Road and 40 Willoughby Road with the following concerns about the proposals:</p> <p>1) Structural damage to the cottages;</p> <p>2) No side extension should be allowed. This is the end cottage in a simple terrace of pretty stuccoed mid-Victorian cottages, characteristic of an early period of Hampstead’s development and reflected in its conservation status. This end of the terrace is particularly visible as it is also on the corner of Willoughby Road.</p> <p>3) The proposed side extension would be visible and any side extension would detract from both the character of the building and the terrace.</p> <p>4) Overdevelopment of the site, excessive expansion that contradicts the underlying ethos of the small scale listed Early Victorian Workers’ cottage. The additional awkward semi basement extension affords new space which is excessive in scale and wholly detrimental to the ethos of the listed cottages;</p> <p>5) Proposals are out of character with the host building and terrace. The design proposal is architecturally poor, and detrimental to the collective Heritage Asset. This fine row of vernacular workers’ cottages can never be replaced.</p> <p>6) Anything that interferes with the integrity of the terrace would be a grave impingement on their Grade II listed status as well as their contribution to the amenity of the Conservation Area. The proposals fatally undermine the listed status both of number 33 and of the 9 listed mid-19th century workers' cottages that form its setting;</p> <p>7) One of the important visual features of the Terrace is its seeming visual openness but at the same time protecting the privacy of the occupants;</p> <p>8) The proposals are contrary to Camden’s basement policies which seek to minimise loss of garden and new basements should respect the original design of the building including its architectural period and style;</p> <p>9) The basement works would be disruptive to other residents. There would be unacceptable levels of noise, dust, disruption and disturbance. There will be a high volume large lorries travelling to and from the site transporting spoils. This will pose potentially dangerous conditions for pedestrians;</p> <p>10) There would be light pollution;</p> <p>11) The deep excavations will disrupt water flow and will anchor one end of the terrace in a way which it is not currently anchored;</p> <p>12) The proposed plan for a third access gate is excessive;</p> <p>13) Loss of garden and amenity space – that diminishes the symbolism</p>					

and significance of the front garden as a compositional layered interface that underpins the listed terrace as well as reducing the area available for rainfall absorption. There will be a reduction in the garden by approximately 40%;

14) Car parking in the front garden detracts from the appearance of the terrace. There is no planning history for this and the vehicular egress is potentially dangerous to both oncoming cars and pedestrians, of which many are young school children and parents;

15) The uneven conical roof lights are excessive, intrusive, out of character and undermine the Heritage Asset ,

16) The proposed new boundary wall is harsh, too high, alienating and out of character with the Conservation Area and terrace. The solid timber gates mask the proposed works and are out of character with the listed terrace;

17) The hard landscaping for a car would be harmful to the Willow Cottages;

18) There are erroneous assumptions and inconsistencies in the BIA study. It is seriously flawed in both methodology and use of non-representative data that in turn miscalculates the potential real damage from the proposed works. The period of investigation for encroachment of underground water is too short and not representative. Based on publicly available MetOffice data and increasing concerns about climate change/extreme weather events, the very limited scope of the trial pits does not provide a sufficiently robust evidence based conclusion. This renders the study invalid. The study undermines itself regarding groundwater movement, groundwater levels and damage risks. The monitoring period for encroachment of underground water is too short. The excavation will cause further cumulative damage and significant risk to the terrace;

19) The Heritage Assessment is flawed, reductionist and piecemeal. It disregards the collective Heritage Asset of the listed terrace. There is no meaningful analysis of the listed cottage. ;

20) The application is wrong to cover both the side basement extension proposal and the outstanding maintenance and repair works to 33 Willow Road. There should be two separate applications;

21) The over-large, crude and flawed design fails to protect or enhance the heritage asset and the Hampstead Conservation Area and therefore is contrary to Policies DH1 and DH2 of the Hampstead Neighbourhood Plan;

22) There is a lack of detailed design in the drawings.

23) There is no planning permission for the front car parking area

24) The proposed plan for a third access gate is excessive.

25) The green roof is anything but sustainable. The wild flower green roof sounds attractive but would be transient. It would become replaced with weeds, subject to droughts, difficult to resow, require hand weeding, watering and vigilant maintenance. After planning permission is given there is little control over what it would look like.

26) The revised plans are a series of minor cosmetic amendments. The raising of the unarticulated boundary wall with new visually opaque solid gates are merely crude devices to mask the proposal by offering an even more alienating and anti-social solution to the existing streetscape and the rich historic urban fabric

27) There is a current application for 31 Willoughby Road which involves excavation of a basement which would have cumulative impacts with the proposals.

One letter of support with the following comments;

1) Whilst we have no objection in principle to the submitted scheme, we

	<p>feel that the design for the Willow Road facing elevation at lower ground level requires more thought.</p> <p>2) We would ask for this basement extension to be redesigned to be more sensitive to the existing Listed terrace.</p> <p>3) The fenestration is indelicate in its proportion and detracts from the consistency of Willow Cottages.</p> <p>4) The new wall & gate to the boundary of the property at Willow Road may be an attempt to reduce the visual impact of the new basement however these elements are also out of keeping with the rest of the street vernacular of Willow Cottages.</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**CAAC/Local groups*
comments:**
*Please Specify

Hampstead CAAC – no response received.

Hampstead Neighbourhood Forum received on 18th November 2019

“The Hampstead Neighbourhood Forum objects to this proposal for no. 33 Willow Road, which forms the end of one of the most unique listed terraces in Hampstead. The over-large and flawed design fails to protect or enhance the heritage asset and the Hampstead Conservation Area and therefore is contrary to Policies DH1 and DH2 of the Hampstead Neighbourhood Plan. Each of the other houses in the terrace are characterised by a long stretch of garden, though which a front gate leads to the front door. The Hampstead Area Conservation Statement describes the cottages as “a pretty group of nine cottages, built in the mid-19th century. They are distinctive due to their pastel colours, long front gardens and unaltered boundary walls, windows and rooflines.”

The garden and entrance to no. 33 have been degraded through the creation of a large gap in the garden wall and a cross-over for parking, with a large paved area. The current proposal, through the mass of the side extension, the creation of a new set of stairs and a sizeable light well, would further erode potential garden space, and is contrary to the conservation statement and the emerging Hampstead Conservation Area Appraisal and Management Strategy. This latter document states:

Light-wells in front gardens and side gardens, which can be seen from the road, are a not a feature in any part of the Conservation Area and would be detrimental to its character and appearance. Light-wells in the side or back gardens should be very limited in area to avoid any damage or loss to trees and planted areas with consequent visual and ecological damage.

The proposed lightwell, wider than the original house, is out of keeping with the existing modest light wells. The three rooflights, rising above the re-built brick wall, would be strikingly visible to anyone walking northeast on Willoughby Road or west on Willow Road, failing to protect or enhance the conservation area and listed building.

The proposed new boundary wall, higher and lacking the character of the existing brick wall, and the replacement wooden gate would serve only to partially obscure the over-large bulk of the extension. They would neither enhance nor protect the conservation area.”

Heath and Hampstead Society have objected to the proposals (received on 21st November 2019) are in agreement with the objection from The Hampstead Forum which they consider spell out all the objections very thoroughly, with two additional points:

- 1) The large windows to the living room of the side extension are completely out of scale with the small domestic quality of these listed cottages.
- 2) The circular roof lights to the side extension will be seen from the street. They are of a large incongruous circular shape not relating to the 19th century cottages. Roof lights could be incorporated that are not seen from the street.

A further response 4th May 2020 has been received:

There are inaccuracies and omissions in the Basement Impact Assessment: either ignorance of the tendency of parts of Hampstead to be susceptible to landslide or deliberate ignoring of known risks.

It is clear that parts of the BIA are actually inaccurate. The red circle defining the position of 33 Willow Cottages on Arup's 'Camden Geological, Hydrogeological and Hydrological Study: Slope Angle Map' Figure 16 for example is actually centred over 13 Gayton Crescent, and on Arup's Figure 12 over 12 Pilgrims Lane! It doesn't help that poorly reproduced maps are given.

The section on slope stability states that '...the site area is outwith the "Areas of significant Landslide potential" defined by the BGS on map sheet 256 and included in the ARUP report as Figure 17.' This is NOT TRUE. It is right over an area of High/Very High risk for slope instability.

While Arup's slope angle map is useful for slopes of more than 7 degrees, this is only appropriate for ground composed purely of clay. Since Weeks 1 paper of 1969, landslide has been reported at angles of 4 degrees or less where related to superficial quaternary deposits such as the Head here. Where this part of London is concerned, Head solifluction on slopes with groundwater present should consider slopes of less than 7 degrees for their tendency to instability. This is particularly so where clay is overlain by Head (here it is particularly thick as it is subject to valley affect, and is itself overlain by potentially unstable Made Ground left when the previous old almshouses were demolished in the early-mid C19), is prone to slip surfaces left from glacial activity, and is lubricated by groundwater.

The superficial slope here masks a more dramatic landscape with steeper slopes of the underlying layers at depth of a few metres, fashioned by mass movements: the quaternary peri-glacial hill wash and mudflows that travelled down the slope from the upper Hampstead area and subsequent landslides. The soles of these movements can be defined by paper thin shear surfaces having a shear strength much lower than the ground above and below them, and lying on slopes likely to be of significantly more than 7 degrees. The likely presence of shear surfaces within the Head deposits has implications for the stability of neighbouring properties which have not been considered in the BIA. This BIA deliberately failed to accurately describe the site's position and visually demonstrate its position on Arup's Figure 17 "Areas of significant Landslide potential" it also plans to use sheet piling and has merely looked very cursorily at the barrier effect without considering the impact of installation vibration on such a fragile hillside with such fragile neighbours.

Digging out of the basement will cause severe vibration and both vertical and lateral ground pressure release.

While accurate modelling of movement potential using accurate data may indicate a low level of risk on the Burland scale this is irrelevant where slope instability is concerned. Such ground interference will be like kicking a sleeping dog. I am currently doing a study of subsidence in Hampstead, which I hope to publish in due course, and am encountering many cases of subsidence and severe ground movement in Hampstead over the Areas for Greatest Potential for Slope Instability immediately following nearby basement digging out. This includes three of Camden's own properties: 254 Finchley Road caused by digging out of 252 Finchley Road; 10 Maresfield Gardens caused by sheet piling and digging out of a 5-storey basement into the hill below behind 120 Finchley Road; Camden Arts Centre (begun by three large basements at some distance but then aggravated by silt erosion

from prolonged mains water leaking and mains water bursts, with the possibility that construction lorry and heavy plant from other projects are adding to this as they drop down the hill of Arkwright Road and onto Finchley Road). In all cases, while sheet piling and digging out has caused slope movement to begin again, because it takes a while to settle this has enabled silt erosion from the action of diverted groundwater or mains water under pressure to compound the problem and maintain ongoing slope slippage. Vibration from construction vehicles were considered to be a contributory cause of subsidence of other buildings along Finchley Road e.g. 268 Finchley Road.

The ground investigation and CIRIA C760 modelling analyses use methodology developed by Boscardin & Cording (1989) and Burland (2001) and determines that the maximum category of damage is Category 1 (very slight) so cosmetic and non-structural.

The method used to estimate likely damage also assumes brick masonry with cement mortar which is not the case for Willow Cottages: these have a preponderance of lime mortar. While the detailed data from ground investigations might have been made available to the modellers they are not given for others to examine. We do not even know that the method of sample extraction was fit for purpose and for the tests used, particularly those regarding ground strength and stiffness.

The prediction for damage thus needs further work, especially if groundwater control which abstracts water were to become necessary as part of the construction process (see below), even if temporary. Groundwater levels within the ground below the excavation should be confirmed across significant storms prior to any construction works. The implications for assuming incorrect groundwater levels could be extremely serious for neighbouring properties.

All the rest of Willow Cottages are listed buildings and must be protected from such damage, as should 33 Willow Cottages itself and 33 Willoughby Road. While underpinning may be considered a solution to slope instability, this is inappropriate for Willow Cottages. The risk of causing slope instability here should not even be entertained.

Omissions regarding Groundwater 33 Willow Cottages can also be seen to be on the Spring Line between the Claygate Beds and Unit D of the London Clay Formation, and local boreholes - at 31 Willoughby Road almost next door for example - have shown groundwater at the level of the bottom of the superficial Head solifluction, the aquifer here, as would be expected.

The BIA states that the basement 'does not penetrate appreciably below the made ground...' but completely fails to realise that this means the parts of the base of the basement in the stiffer Claygate Beds could cause differential subsidence with attached shallower parts and neighbouring buildings. The rest of the building will be sitting virtually in the aquifer here, with the silt in the ground below it gradually washed/eroded away over time. This will eventually leave voids below and around it, thus increasing its tendency to differential subsidence and increasing its vulnerability to vibration in the future if, for example, others were also to indulge in sheet piling. Such a situation could also make it a moveable lever for causing more damage to its immediate vulnerable neighbour if both were subject to landslip generated by vibration.

	<p>The temporary sheet piling that will be the cause of damage, likely to be severe in view of the ground conditions and the age and fragility of Willow Cottages, is planned to be installed despite no groundwater level tests having been carried out (or at least presented) across time and across a period of heavy rainfall as is required for Camden BIAs. While sheet piling is not planned for the party wall with 33 Willoughby Road the northern and western main parts of the planned sheet piling could both dam up groundwater under existing 33 Willow Cottages and back to 34 Willow Cottages and its front garden and divert it either side affecting 33 Willoughby Road and foundations to the roadway of Willow Road. If a storm were to occur during the time it is being installed, this could have disastrous consequences for the site itself as well as the neighbouring and shaken up 34 Willow Cottages made more vulnerable to its damming up of storm water effects. Willow Cottages are known to be vulnerable to flooding so it seems perverse to build a dam to actually encourage and amplify this, even if it is temporary. It is also stated that there are no other penetrating structures within 17.5 metres, but this forgets the application from 31 Willoughby Road 2020/0927/P that if given permission will be nearer.”</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Site Description

The site comprises a cottage located at the end of a terrace of cottages on Willow Road, on the corner of Willoughby Road. The single family dwellinghouse contains two storeys plus a basement and small lightwell at the front, adjacent to the adjoining 34 Willow Road.

The dwellinghouse has a front and side garden but no rear garden. There is a communal alleyway to the rear of the site. On the other side of the alleyway is number 33 Willoughby Road.

At the front of the site there are metal gates and a brick boundary wall which lead to an onsite parking space for the dwellinghouse. The property is entered at the upper ground floor level at the front whilst the rear lower ground floor opens out onto an alleyway which runs behind the terrace.

The building is Grade II listed, along with the rest of the eight cottages in the terrace (numbers 34-41 Willow Road). The site is located within the Hampstead Conservation Area.

The site was built in the mid-nineteenth century and the Hampstead Conservation Area notes that the row of cottages are “distinctive due to their pastel colours, long front gardens and unaltered boundary walls, windows and rooflines”.

The Conservation Area Statement notes on page 30 that “There is a fine sycamore on corner of Willoughby Road and Willow Cottages (garden of No.33).” This is no longer in the garden of the application site.

Relevant History

2017/2513/L - Internal works to lower ground floor and replacement windows to rear. Listed Building Consent granted on 15/08/2017

2013/0409/T - Fronting Willoughby Road: 1 x Plum - Remove. No objection to works. 12/02/2013

2004/1536/T - (TPO Ref:13H) Front garden 1 x Sycamore - fell. Notification of emergency works to dead/dangerous streets

8570104 - Alterations to the existing house including re-planning and insertion of two new windows. Listed building granted on 22/06/1985

31162- Change of use to form a self-contained flat on the first floor involving works of conversion and the construction of a new external staircase. Refused on 09/12/1980

31 Willoughby Road

2020/0927/P - Excavation of basement with rear lightwell below dwellinghouse (Class C3), demolition and reconstruction of single storey side extension. Pending decision

2016/7146/P - Excavation of basement with rear lightwell below dwellinghouse (C3); demolition and reconstruction of single storey side extension. Withdrawn on 12/04/2018

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Intend to Publish London Plan 2019

Camden Local Plan 2017

Policies:

G1 Delivery and location of growth

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
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

Camden Planning Guidance
CPG Design (2019)
CPG Altering and extending your home (2019)
CPG Energy efficiency and adaptation (2019)
CPG Basements (2018)
CPG Amenity (2018)
CPG Transport 2019
CPG Water and flooding (2019)
CPG Developer Contribution (2019)
CPG Biodiversity (2018)

Hampstead Conservation Area Statement 2001

Hampstead Neighbourhood Plan 2018
Policies:
DH1 Design
DH2 Conservation areas and listed buildings
NE2 Trees
BA1 Basement Impact Assessments
BA2 Basement Construction Plan
BA3 Construction Management Plan
TT1 Traffic volumes and vehicle size
TT2 Pedestrian environments
TT3 Public transport
TT4 Cycle and car ownership

Assessment

1.0 Proposal

1.1 Planning permission is sought for the erection of a side extension, involving excavation of a basement with front sunken lightwell in order to extend the single family dwellinghouse and create a kitchen/dining room. The extension would be part submerged in order to reduce the visual impact of the extension. There would be cast iron railings in front of the lightwell and three protruding rooflights. The rooflights would be dressed in a cast iron panel cladding hood to reduce lightspill. The roof of the extension would be covered in a wildflower green roof. A new brick boundary wall would be inserted on Willow Road with timber boarded gates.

1.2 Following discussions with Officers, revised drawings have been received which lower the overall height of the side extension by 380mm and lowering the floor of the extension by 150mm. The existing side window would remain as is.

1.3 This application is assessed in terms of:

- 1) Impact on the character and appearance of the host listed building, the adjoining listed terrace and the Hampstead Conservation Area
- 2) Impact of the basement excavation on the ground and water conditions of the area
- 3) Amenity impacts on neighbouring residents
- 4) Transport and Construction impacts on the surrounding area
- 5) Green roof

2.0 Design and impact on listed building, listed terrace and Conservation Area

2.1 Policy D2 (Heritage) states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their setting, including listed buildings. The same policy states the Council will resist proposals for alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building. Policy D2 Heritage also states the Council will require the development within conservation areas preserves, or where possible, enhances the character or appearance of the area.

2.2 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 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building.

2.3 Section 16, and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") are also relevant. These sections impose a statutory duty on the planning authority to consider the impact of proposals upon listed buildings and their setting. In considering whether to grant listed building consent for any works the local planning authority must have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possess.

2.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. This section places a general duty on the planning authority that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

2.5 The effect of these sections of the Act is that there is a statutory presumption in favour of the preservation of listed buildings, their setting and Conservation Areas. Considerable importance and weight should be attached to their preservation.

2.6 Where harm is caused to a heritage asset, local planning authorities should give 'great weight' to preserving the asset's significance, in accordance with paragraph 193 of Section 16 of the National Planning Policy Framework (NPPF). Any harm or loss should require clear and convincing justification and where harm is caused to a heritage asset, the NPPF requires decision makers to determine

whether the harm is substantial, or less than substantial, paragraph 196 requires that harm to be weighed against the public benefits of the proposals.

2.7 This is further supported in Local Plan Policy D2 Heritage which states ‘The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm’. The Council’s view is that the harm in this case is ‘less than substantial’. However, the proposal does not meet the public benefit test. A proposal which would cause harm should only be permitted where public benefits outweigh the heritage interest. There are limited public benefits to outweigh the harm in this instance. Therefore the proposals have not met the requirements of either the Local Plan Policy D2 Heritage or paragraphs 194 or 196 of the NPPF and thus is unacceptable.

2.8 Policy DH1 of the Hampstead Neighbourhood Plan states that “Development proposals should demonstrate how they respect and enhance the character and local context of the relevant character area(s) by: a. Ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges.” Policy DH2 of the Neighbourhood Plan seeks to ensure that proposals seek to protect and/or enhance buildings which make a positive contribution to the Conservation area.

2.9 As the maps in the applicant’s heritage statement show, from construction around 1866, Willow Cottages have always stood unattached and exposed at the eastern end. The house is a grade-II-listed stucco cottage of 1866, terminating a terrace of nine other cottages. The dwellinghouse makes a positive contribution to the Hampstead Conservation Area. Having no back gardens, the cottages are instead picturesquely set behind relatively large front gardens. Being at the end of the terrace, the garden of number wraps around its side, exposing it to long views west along Willow Road, which rises towards the east, as far as the junction with Christchurch Hill and parts of the Heath.

2.10 The applicant sought pre-application advice and was advised that a “subterranean” side basement might be considered acceptable at application stage. The applicant has however proposed a structure that juts out of the ground, the entire width of the side plot.

2.11 This has above it, three large, diagonally sloping, cylindrical upstands (ranging in width from 0.9m to 1.6m) containing roof lights, taking the maximum above-ground height of the structure to 1.5m, just below the sill of one of the house’s side windows. The upstands are to be clad in textured cast iron.

2.12 The proposal would have a full-width sunken terrace in front of it, measuring 1.7m from front to back, addressed by a full-width set of glass patio doors and reached by a staircase from the side. This drop hazard is protected by a metal fence across the garden.

2.13 Due to the design and materials, the proposal is likely to be prominent in both private and public views. In being raised above the ground it presents a highly atypical low side extension. The unusual design and materiality of its roof lights advertises its presence, as does the deep, wide light well backed with a screen of patio doors. The applicant believes that “planting” and new, solid gates, will be enough to screen this substantial glass-fronted block sticking out of the ground. However, planting and the keeping closed of gates cannot be controlled by the planning system. And even if they could, they would not mitigate the harm caused by this modern and alien form being attached to the side of the group of listed buildings. Concealing harm to a listed building from public view does not mitigate it.

2.14 Other than an unimplemented 1936 proposal, dating from over 10 years before the listing system, there is no justification provided for the current proposal. While other alterations were approved around 1980, a proposal to add an external side staircase was refused, showing that even in that relatively unsophisticated period, the contribution of the flank wall was appreciated. In a 1990 scheme, a side entrance and “new room” to the flank appear to have been proposed, before being withdrawn. Nothing in the heritage statement indicates anything other than that the end flank has always been considered too important to interfere with. The regime is now considerably more rigorous

and the NPPF would require this less-than-substantial harm to be justified.

2.15 While the heritage statement refers to comprehensive alterations in the 1930s and 1980s having transformed the building's appearance, this has no bearing on the current proposal. All the external changes predate the listing and the 1980s changes were internal. The heritage statement describes alterations to the windows on the flank but, again, these all predate the listing, apart from one: the replacement of a pair of French windows with a sash window is, if anything, a conservative alteration, removing an alien form and replacing it with something more appropriate.

2.16 In short, externally, the building is as listed in 1974, apart from a pair of French windows which have been removed and replaced with a more appropriate sash window.

2.17 The heritage statement goes on to discuss the garden and its walls. It argues that the triangle on the end of the terrace does not form part of the original terrace design and so presumably cannot be considered significant. However, we conserve the historic environment as we find it and this type of argument ignores the accretions of time up until the point of listing.

2.18 In its summary, the heritage statement does not mention impact on the exterior of the listed building at all. It only mentions "the small loss of a side garden area", insisting that the only important garden area is that to the front, which matches those of the other houses in the terrace. In fact, its corner site is exactly what makes the house the most prominent in the terrace, and the construction of the proposal would harmfully alter that. In addition, the heritage statement downplays the impact on the conservation area, by claiming that the proposal will be concealed behind the new garden wall. This is difficult to accept, given the sloping nature of the surrounding roads and the fact that the drawings show the roof lights poking over the wall, even when this wall has been increased in height from its existing 1.7m to 2m.

2.19 Even if the proposal is substantially concealed from public view behind a higher wall and taller solid gates, it will still be profoundly and obviously present for anyone in close proximity to the listed building and for this reason it harms the setting of the listed building. Furthermore, in irreversibly subsuming a large area (24.7 sqm) of the side of the cottage, it is harmful to the historic fabric of the listed building and the appearance of the listed terrace which the application site is part of.

2.20 The new timber boarded gates on the front boundary would harm the character and appearance of the terrace, by reducing the openness of the terrace. The timber gates would be an incongruous addition to the street. In the Conservation Area Statement, it highlights the terrace as one with long front gardens, and unaltered boundary walls. The existing vehicular gate is an anomaly in the terrace as no other properties have vehicular access. The existing gates are metal and allow views of the terrace from the street. The proposed timber boards would reduce this visibility and be out of character with the terrace, harm the appearance of the host listed building, listed terrace as well as harm the character and appearance of the Hampstead Conservation Area.

2.21 The proposals harm the setting of the host listed building and that of the listed terrace as a whole. It is also harmful to the character and appearance of the Hampstead Conservation Area. This is contrary to the aims of policies D1 and D2 of the Camden Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

3.0 Basement Impacts

3.1 Policy A5 of the Camden Local Plan requires applicants to consider the impact of the proposals on local drainage and flooding and the potential effects on neighbouring properties including on groundwater conditions and ground movement. Camden Planning Guidance (Basements) is a material consideration in planning decisions. The Council seeks to ensure that basement developments do 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. Applicants are required to demonstrate with

methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

3.2 The Hampstead Neighbourhood Plan seeks to ensure that basements in Hampstead fully identify the risks and the damage is fully mitigated. Policy BA1 seeks to ensure that for developments that go beyond the screening stage, attentions should be given to additional steps (a-i) such as an assessment that demonstrates the predicted Burland Scale at the time of construction phase is no more than Burland Scale 1. It also specifies that boreholes measurements may need to be conducted in periods of contrasting rainfall and over a period of several months covering wet and dry seasons.

3.3 The basement involves approximately 3metres of excavation of the existing side garden. The site is located in an area with subterranean (groundwater) flow, surface water flow and flooding and slope stability constraints. These constraints are formulated using the screening flowchart for Surface water flow and flooding from Camden Geological, Hydrogeological and Hydrological Study – Guidance for Subterranean Development Issue01- ARUP - November 2010 (for LB Camden).

3.4 The applicant has submitted a Basement Impact Assessment (BIA) as part of the application and a Structural Design and Methodology Report. The BIA has been carried out by persons with the relevant qualifications as set out on page 22 of Camden Planning Guidance (Basements).

3.5 Policy A5 f) – m) of the Local Plan says that the siting, location, scale and design of basements must have minimal impact on and be subordinate to the host property. The proposed basement would not be more than one storey and would not be built under an existing basement. Paragraph 5.4 of the Design and Access Statement states that 37% of the garden would be developed by the proposed basement. This is under the 50% of the garden specified in point h of policy A5. The basement would be less than 1.5 times the footprint of the host building in area and would be set away from neighbouring property boundaries. Whilst there would be garden space lost, this would be part replicated with a sedum roof, located around the rooflights.

3.6 In parts n) to u) of the policy A5 of the Local Plan, the Council seeks for applicants to demonstrate that basement proposals do not cause harm to the built and natural environment and local amenity, including to the local water environment and ground conditions. As identified above, the site is located in an area with various constraints including flooding and slope stability. Policy A5 identifies that the Council will not permit basement schemes which include habitable rooms in areas prone to flooding. There is an existing basement at the application site. The BIA identifies that there would be no surface flow and flooding potential impacts beyond scoping stage.

3.7 Groundwater monitoring has been undertaken at the site. In consultation responses received, the occupiers/owners of the other cottages in the terrace raise the issue that there has been shallow groundwater and flooding of cellars / lower ground floors. Boreholes were installed in November 2018 for 7 weeks with no significant variation in water level found over the monitored period.

3.8 The BIA identifies that the proposal would not exceed the damage category of 'very slight' (Category 1) in line with the aims of policy BA1 of the Hampstead Neighbourhood Plan.

3.9 Paragraph 6.117 of the Camden Local Plan states that "In order to provide the Council with greater certainty over the potential impacts of proposed basement development, we will generally expect an independent verification of Basement Impact Assessments funded by the applicant". This application requires independent verification as the scheme proceeds beyond the screening stage of Basement Impact Assessment and the proposed basement development is located within an area of concern regarding slope stability, surface water or groundwater flow. Also due to the fact that the dwelling is listed and attached to the listed terrace the Council considers that it is imperative that independent verification is sought. Following concerns raised by Officers about the design and appearance of the extension, the applicant has decided to not pursue the independent verification of the BIA. As such the Council cannot take an informed view on the validity of the BIA.

3.10 The BIA identifies that there are no potential cumulative impacts for the proposed development. An application for a new basement at neighbouring 31 Willoughby Road (ref 2016/7146/P) was withdrawn. This highlighted potential issues with groundwater impacting Willow Cottages which are likely to be an issue as a result of these proposals.

3.11 Submitted alongside the application is a structural engineer's report which comments upon the structural integrity of the building and the effect that the basement works would have on the listed building and adjoining listed terrace. The new lower ground floor extension has been designed to sit as an independent reinforced concrete box sitting alongside the end gable wall to the existing listed building. Therefore it would not rely on the host building for support.

3.12 The Camden Local Plan requires applicants to fund an independent audit of the BIA. This has not been agreed to, therefore the application does not demonstrate that the proposed basement works would avoid adversely affecting drainage and run-off, exacerbating issues of flooding or causing other damage to the water environment as well as to maintain the structural stability of the listed building and listed terrace. This is contrary to the aims of policy A5 of the Camden Local Plan, Camden Planning Guidance (Basements) and policy BA1 of the Hampstead Neighbourhood Plan.

4.0 Amenity Impacts

4.1 Due to the location of the proposed extension, at the end of the terrace and at lower ground floor level, the extension would not give rise to any adverse impacts on surrounding neighbouring properties in terms of loss of light or loss of privacy.

5.0 Transport and construction impacts

5.1 The current crossover and on-site parking space is to be retained. The proposals involve a replacement of the vehicular gate and replacement of the existing crazy paved area with a permeable grasscrete to allow rainwater percolation and improve the current drainage situation. Whilst it would be preferable for the parking area to be removed altogether, planning policy cannot insist on this at this site and improved permeability is encouraged for drainage in the area.

5.2 Policy A1 of the Camden Local Plan resists developments that fail to adequately assess and address the transport impacts affecting neighbours and the existing transport network. Policy BA3 of the Hampstead Neighbourhood Plan says that due to the dense residential streets of Hampstead, the construction of basements has a considerable impact on local residents. The policy says that "Proposals for basement development should be accompanied by a Construction Management Plan which includes adequate information to assess the impact of the construction phase, should the proposal be approved."

5.3 The principal issue from a transport perspective is the potential impact of construction activities on neighbouring properties and the surrounding highway network. Paragraph 6.13 of the Camden Local Plan highlights when a Construction Management Plan (CMP) would be sought. As the dwellinghouse is listed and adjacent to listed buildings, together with the proposed excavation of a basement and narrow surrounding streets would make construction of the proposals complex, a Construction Management Plan would be required to be submitted. If the application were to be considered acceptable, a CMP would need to be secured via S106 legal agreement, together with the associated Implementation Support Contribution of £3,125 and Impact Bond of £7,500. This would help to control and mitigate any impact from the proposed excavation and construction works. As per the requirements of policy BA3 of the Hampstead Neighbourhood Plan, the CMP should include information on how the disturbance arising from construction and demolition such as noise, vibration and dust will be kept to acceptable levels and how traffic and construction activity will be managed to protect the amenity of local residents and safety of pedestrians, cyclists and other road users.

5.4 Policy A1 (Paragraph 6.11) of the Camden Local Plan states that Highway works connected to development proposals will be undertaken by the Council at the developer's expense. The proposal involves basement excavation within close proximity to the footway directly adjacent to the site. The Council would have to ensure that the stability of the public highway adjacent to the site is not

compromised by the proposed basement excavations. As the proposals require the excavation of ground and the construction of the proposed extension immediately adjacent to a public highway (the footway of Willoughby Road), it will be necessary to secure an Assessment in Principle (AIP) contribution of £1,800 by means of the Section 106 Agreement. This will enable the bridges and structures team within the engineering service to assess the proposals and ensure that the structural integrity of the public highway is maintained at all times.

6.0 Green roof

6.1 The extension proposes a green roof on the roof of the extension. This is encouraged in order to support a sustainable approach to drainage and provide valuable habitats which promote biodiversity in accordance with policy CC2 of the Local Plan. If the proposals were considered acceptable then a condition would be added to the decision notice that required for full details including substrate depth, species and management plan to be submitted for approval.

7.0 Recommendation

7.1 It is recommended that planning permission and listed building consent are refused. The reasons for refusal are listed below:

7.2 The proposed basement side extension and front lightwell, by virtue of the detailed design, height, massing, materials and siting, would have a detrimental impact on the character and appearance of the grade II listed host building, the listed terrace and the Hampstead Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policy DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

7.3 The proposed entrance gates, by reason of their material and detailed design, would appear incongruous, reducing the open character of the front garden and so would result in harm to the character and appearance of the grade II listed host building, the listed terrace and the Hampstead Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policy DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

7.4 In the absence of an independent audit of the basement impact assessment, the applicant has failed to demonstrate the development would not cause harm to the built and natural environment including the local water environment, ground conditions and the structural stability of the listed building and neighbouring properties contrary to policy A5 (Basements) of the London Borough of Camden Local Plan (2017) and policy BA1 (Local requirements for Basement Impact Assessments) of the Hampstead Neighbourhood Plan 2018.

7.5 The proposed development, in the absence of a legal agreement to secure a construction management plan, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety, and neighbouring amenity including air quality contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials), DM1 (Delivery and monitoring), A4 (Noise and Vibration) and CC4 (Air quality) of the London Borough of Camden Local Plan 2017 and BA3 (Local Requirements for Construction Management Plans) of the Hampstead Neighbourhood Plan 2018.

7.6 The proposed development, in the absence of a legal agreement securing an Approval in Principle, would fail to mitigate the impact of the basement works on the adjacent public highway contrary to policies A1 (Managing the impact of development), T3 (Transport Infrastructure) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.