

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/3187/P	Lyn Jones, on behalf of Mr and Mrs Skelton	27/08/2020 11:06:36	OBJNOT	Camden Borough Council Development Management Camden Town Hall Extension Argyle Street London WC1H 8EQ

For the attention of Ms Charlotte Meynell

Planning Ventures Ltd
16 Albert Road
Portishead
BS20 6PP
Job no. 1287
Heath Cut Lodge
27 August 2020
Dear Ms Meynell,

Application
Ref: 2020/3187/P
Description

Variation of condition 2 (approved plans) of planning permission 2017/6838/P dated 09/03/2018 (for construction of side extension at second floor level and side and rear extension at third floor level) namely to increase width of second floor side extension and alterations to fenestrations and window and door openings at second and third floor levels.

Address

Flats 7 and 9, Heath Cut Lodge, North End Way, London, NW3 7HQ

Applicant

Mr Simeon Howard and Mr James Wright

We refer to the above application submitted by Boyer Planning on behalf of Mr Simeon Howard and Mr James Wright on the 17 July 2020 (registered 13 August 2020). We act for Mr and Mrs Skelton, owners of No. 2 Heath Cut Lodge (the flat immediately beneath the application site) and write to set out the following comments on the proposals, on their behalf.

For clarification, these comments relate to the following plans and documents which comprise the online submission.

Application Form - 17 July 2020
Supporting Letter, Boyer Planning 15 July 2020
Drawing No. 3270-CB-A-DR-0001: Site Location Plan
Drawing No. 3270-CB-A-DR-0010: Existing Second Floor Plan

Application No: Consultees Name: Received:

Comment: Response:

Drawing No. 3270-CB-A-DR-0011: Existing Third Floor Plan
 Drawing No. 3270-CB-A-DR-0012: Existing Roof Plan
 Drawing No. 3270-CB-A-DR-0050: Existing Front Elevation
 Drawing No. 3270-CB-A-DR-0051: Existing Side Elevation
 Drawing No. 3270-CB-A-DR-0052: Existing Rear Elevation
 Drawing No. 3270-CB-A-DR-0110: Approved Second Floor Plan
 Drawing No. 3270-CB-A-DR-0111: Approved Third Floor Plan
 Drawing No. 3270-CB-A-DR-0112: Approved Roof Plan
 Drawing No. 3270-CB-A-DR-0151: Approved Front Elevation
 Drawing No. 3270-CB-A-DR-0152: Approved Side Elevation
 Drawing No. 3270-CB-A-DR-0153: Approved Rear Elevation
 Drawing No. 3270-CB-A-DR-1010: Proposed Second Floor Plan
 Drawing No. 3270-CB-A-DR-1011: Proposed Third Floor Plan
 Drawing No. 3270-CB-A-DR-1012: Proposed Roof Plan
 Drawing No. 3270-CB-A-DR-1050: Proposed Front Elevation
 Drawing No. 3270-CB-A-DR-1051: Proposed Side Elevation
 Drawing No. 3270-CB-A-DR-1052: Proposed Rear Elevation
 Area Schedule (Cove Burgess Architects)

The Proposals

The proposals represent a variation of previously approved Application Ref. 2017/6838/P. This involved the extension of Flat No. 7 to the side and rear (to accommodate an additional bedroom and living space), constructed over almost half the roof space of Flat No. 2, with the remaining area left as terrace. Above at third floor level, the proposals also involved the extension of No. 9 to the side and rear (to create an additional bedroom and living space), largely subsuming the existing terraced areas here, with a replacement side terrace created over the newly extended roof to No. 7 below. This consent has not yet been implemented. According to the proposed plans and area schedule (Cove Burgess Architects), the changes to the approved scheme now involve the following:

Enlargement of approved side extension of Flat No. 7 at second floor level, protruding further over the roof of Flat No.2. Creation of a further 17m² of habitable floorspace, total increase of 52m² from the existing property (59% increase)

Reduction in terrace area to Flat No. 7 to 51m² (68% decrease from the existing)

Replacement of narrow window (front elevation Flat No.7) with new double doors, replacement of full width doors (side elevation Flat No. 7) with separate set of doors and window, including obscure glazing to latter
 Enlargement of terrace to Flat No. 9 at third floor level, over the enlarged side extension to Flat No. 7. Total terrace area of 74m² (11% decrease from the existing)

Installation of sliding glazed doors across the majority of the front and side elevations (Flat No. 9), and installation of glazed doors and two new sets of windows across the rear elevation (Flat No. 9)

These comments outline the application site, the relevant planning history and the current planning context, and consider the key planning issues associated with the proposals.

The Application Site

Heath Cut Lodge is located on the eastern side of North End Way (A502), on the western edge of Hampstead

Application No: Consultees Name: Received:

Comment: Response:

Heath. The area is predominantly residential, featuring a mix of housing forms of varying heights and architectural styles. Immediately to the north-east is a two-storey detached villa, whilst to the north-west in Wildwood Grove is a row of two-storey brick-built Victorian terraces. To the south-east, the lodge abuts a four-storey, brick-built townhouse with mansard roof accommodation, whilst directly opposite is a pair of relatively modern, three/four storey brick-built buildings incorporating a shop and flats.

The lodge comprises a block of 9 residential flats fronting the corner of North End Way and Wildwood Grove. Of relatively recent construction (c2005) and contemporary design, it reads as two distinct architectural elements (we do not concur with the officers interpretation for Consent Ref. 2017/6838/P that it simply reads as a single building). Flats 1 and 2 occupy a two-storey mews-type building set forward on the corner, whilst flats 7-9 are housed in the main block behind, stepping up in height from three to four storeys in the centre and culminating in a relatively modest penthouse behind a parapet wall. Brick-built, the lodge has a solidity of character that is countered by the use of balconies and terraces throughout.

The application site comprises Flat No.'s 7 and 9 Heath Cut Lodge, located on the second and third floors of the main block respectively. No. 2 is located on the upper floor of the mews-building beneath No. 7. The existing roof to No. 2 is currently used as a roof terrace to the side of No. 7, whilst No. 9 is framed by a generous terrace to the front, rear and side.

Relevant Planning History

The on-line planning history for Heath Cut Lodge is very limited. There are two records relating to works to Horse Chestnut trees within the rear car park, but no on-line records relating to the erection of the block of flats, despite being of relatively recent construction, c2005 (it is assumed that there are archived paper records).

In 2018, consent was granted for the 'Construction of side extension at second floor level and side and rear extension at third floor level' (Ref. 2017/6838/P). This consent has not yet been implemented.

Current Planning Policy Context

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act (2004), the statutory development plan comprises the London Plan (2016 version), the Camden Local Plan (2017) and the Hampstead Neighbourhood Plan (2018). All three documents locate the site within the Hampstead Conservation Area (and the Neighbourhood Plan locates it in Character Area 4 - outlying areas), but not allocated for any specific land use. London Plan Policies 3.5, 5.3, 7.15, 7.4, 7.6 and 7.8 and Camden Local Plan Policies A1, A4, D1 and D2 are relevant to the proposals. Hampstead Neighbourhood Plan policies DH1 and DH2 are relevant.

In addition to the statutory policy framework, national and supplementary planning guidance is relevant. The National Planning Policy Framework (NPPF, 2019) requires the planning system to (amongst other things): seek to create high quality buildings that add to the overall quality of an area, and achieve a high standard of amenity for existing and future users (Para.'s 124-127); and to conserve heritage assets in a manner appropriate to their significance (Para 184). Supplementary planning guidance is relevant in the form of CBC documents Altering and Extending your Home (2019), Amenity (2018) and Design (2019), although these

Application No: Consultees Name: Received:

Comment: Response:

three documents are currently subject to amendment. The Hampstead Conservation Area Statement (2001) is also relevant.

Key Planning Issues

Given the above policy context, the proposed changes raise the following key planning issues, addressed in turn below:

Quantum of Development

It is acknowledged that Heath Cut Lodge is located in a residential area where further residential development should be acceptable in principle. It is also acknowledged that Consent Ref. 2017/6838/P has already permitted a significant increase in size to both Flat No.'s 7 and 9. The approved proposals for Flat No. 7 involve a 39% increase in internal floorspace (from 88m² to 123m²) and for Flat No. 9 involve a 56% increase (from 88m² to 50m²). The current proposal for a further extension to Flat No. 7 however would result in a 59% increase in the floorspace of this property (from 88m² to 140m²). Thus if implemented, both units would have been more than doubled in size from their original form.

This is a disproportionately large extension per unit and, aside from the approval of Consent Ref. 2017/6838/P, we remain of the opinion that this amount of additional floorspace is unacceptable. It impacts adversely on the form and appearance of the two-storey mews-building below, creating a top-heavy block which detracts from this distinct architectural element. Similarly, whilst the further increase to No.7 is suggested to be only minor (17m²), the impact of such incremental additions is not - the composition of the original building becomes lost, and there is a risk of overdevelopment. For this reason, it is considered that no further additions should be permitted to either Flat No.'s 7 or 9, and that the current proposals to enlarge No.7 should be resisted.

Form and Design

London Plan Policy 3.5 requires housing developments to be of the highest quality internally and externally in relation to their context and the wider environment. Policy 7.4 relates to local character and confirms how development should have regard to the form, function and structure of an area, place or street and the scale, massing and orientation of surrounding buildings. Policy 7.6 concerns architecture and sets out how buildings and structures should be of a proportion, composition, scale and orientation and not cause unacceptable harm to the amenity of surrounding land and buildings.

Camden Local Plan Policy D1 seeks to secure high quality design in all new development. Proposals must (amongst other things) respect local character and context, preserve or enhance the historic environment and heritage assets, and be of sustainable and durable construction. All developments, including alterations and extensions, should consider matters of character, setting, context and the form and scale of neighbouring buildings; the character and proportions of the existing building; the prevailing pattern, density and scale of surrounding development; the impact on existing rhythms, symmetries and uniformities in the townscape; and, the composition of elevations.

Hampstead Neighbourhood Plan Policy DH1 requires development to respect and enhance local character

Application No: Consultees Name: Received:

Comment: Response:

and context. Proposals should respond positively and sympathetically to the existing rhythm, proportion, height, scale, massing and storey heights of surrounding buildings, and should protect the amenity of neighbouring properties.

Supplementary guidance 'Altering and extending your home' includes specific guidance on roofs and terraces. A roof alteration is unlikely to be acceptable where there is likely to be an adverse effect on the appearance of the building or surrounding street scene, including where the building is designed as a complete composition where its architectural design would be undermined by an addition at roof level, and where the scale and proportions of the building would be overwhelmed by additional extension. Supplementary Guidance 'Design' sets out principles of high-quality design, including that development should respond positively and sensitively to the existing context, carefully responding to the scale, massing and height of adjoining buildings.

As previous, it is acknowledged that Consent Ref. 2017/6838/P has already permitted the significant extension and alteration of Flat No.'s 7 and 9, allowing Flat No. 7 to be constructed out over almost half the existing roof space of Flat No.2, and the same above for No. 9. If/when implemented, this will involve the installation of permanent habitable living accommodation over Flat No. 2, and result in the transformation of the two-storey mews-building into a stepped three-storey structure, subsumed within the main block of the lodge. Again, we remain of the opinion that this scale and form of extension is excessive, and will be further exacerbated by any further incremental additions to Flat No. 7.

In respect of the quality of the internal environment, the owners of Flat No. 2 purchased their property in 2014 on the premise that it was contained within a discreet part of the lodge that did not have 'solid' accommodation overhead (other than the roof terrace) and they would not be subject to noise and disturbance from occupants above. The works approved under Consent Ref. 2017/6838/P involved the extension of bedroom and living space to Flat No. 7, stacking directly above the master bedroom and kitchen within Flat No. 2, and partly encroaching on their two other bedrooms. The current proposals would result in even further encroachment over these two bedrooms. Whilst it is noted that a condition was attached to Consent Ref. 2017/6838/P which required the development to be constructed with enhanced sound insulation (which would presumably also be required of any further extensions), it does not negate the fact that having increased habitable floorspace overhead will result in a lesser standard of amenity than is currently enjoyed by the occupants of Flat No. 2. For such reasons, the further extension of Flat No. 7 is again considered unacceptable in respect of Policies 3.5, 7.6, D1 and DH1.

As to local character and context, this part of North End Way is defined by a mix of buildings heights and styles, amongst which the two-storey detached villa (immediately to the north-east) and the two-storey cottages in Wildwood Grove (to the north-west) are of note, as is the four-storey townhouse immediately to the south. The scale and composition of the existing lodge responds to these, with the two-storey mews-building presenting as a self-contained 'house' on the corner, stepping up to a much larger block behind which then ties in with the tall townhouse. We do not concur with the officers previous interpretation that the lodge is a single 'block' of flats, and maintain that the extensions approved under Consent Ref. 2017/6838/P would completely alter this composition, introducing three-storey development on the corner with the villa and fundamentally changing the modest proportions and compact integrity of the mews-building. The further extension of No. 7 would now exacerbate this situation, creating an almost full-width three-storey block and completely subsuming the identity of the mews-building. For these reasons, the further extension of Flat No. 7 is considered unacceptable, and fails to adequately address Policies 7.4, 7.6, D1 and DH1 and the

Application No: Consultees Name: Received:

Comment: Response:

supplementary guidance in respect of context, scale and form.

With regards to detailing, the proposals now seek to introduce sliding glazed doors across the majority of the front and side elevations of Flat No. 9, and glazed doors and two new sets of windows across the rear elevation. The existing elevations to the penthouse are largely brick, with minimal openings on the front and side only (two standard sets of patio doors with a narrow, vertical emphasis), whilst the proposals under Consent Ref. 2017/6838/P are similar. Thus the extensive new glazing now proposed will completely alter the solid to void ratio of the upper part of the building, whilst the horizontal emphasis of the sliding doors will jar with the fenestration of the lower floors (and the adjoining townhouse), which is much more restrained and ordered. For such reasons, again the proposed alterations do not sympathetically consider the rhythm and composition of the existing building, contrary to Policies 7.4, 7.6, D1 and DH1 and the supplementary guidance.

Finally, as per Consent Ref. 2017/6838/P, the application documents do not specify what measures will be employed to save energy or reduce carbon emissions from the extended/altered flats, particularly given the amount of new glazing proposed - there are no details of the specification of this. Similarly, despite proposing further new floorspace again over Flat No. 2, no structural survey has been submitted with the application to demonstrate the integrity of the building and provide assurance that the works will be of durable construction. This information should be provided to satisfy the requirements of Policies 3.5, D1 and DH1.

Impact on the Hampstead Conservation Area

London Plan Policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Camden Local Plan Policy D2 and Hampstead Neighbourhood Plan Policy DH2 require that development within Conservation Areas preserves, or where possible, enhances the character or appearance of the area. Development that results in less than substantial harm to the significance of a designated heritage asset will not be permitted unless the public benefits of the proposal significantly outweigh that harm (reflecting the guidance of the NPPF).

Hampstead Conservation Area Statement (2001) locates the application site within 'Sub Area 8' of the Conservation Area, within which North End is identified as 'a loose cluster of quite modest houses centred on the Olde Bull and Bush pub (listed) with the Hampstead Heath Extension banked up steeply all around'. With the exception of the pub, the buildings along North End Way are considered of 'no great quality', although of note the cottages in Wildwood Grove immediately to the rear are identified as buildings which make a positive contribution to the Conservation Area. Policy H31 of the Statement provides specific guidance for roof extensions in the Conservation Area, confirming how extensions are unlikely to be acceptable where (amongst other circumstances):

It would be detrimental to the form and character of the existing building
The property forms part of a symmetrical composition, the balance of which would be upset.

As above, combined with the works approved under Consent Ref. 2017/6838/P, the further extension of Flat No. 7 would alter the composition of Heath Cut Lodge, by creating a three-storey development on the corner with Wildwood Grove, subsuming the identity of the mews-building and re-presenting the lodge as a single

Application No: Consultees Name: Received:

Comment: Response:

monolithic block to North End Way. In addition, the installation of extensive glazing and the loss of brickwork around the front and side elevations of Flat No. 9 will alter the solid to void ratio of the upper building, and do not reflect the more traditional patterns of narrow, vertical fenestration in the building or locality.

Whilst the proposals may not result in a loss of symmetry to the lodge, they will alter its original composition and appearance, which is becoming less sympathetic to the smaller-scale, more traditional properties in the vicinity (including the cottages in Wildwood Grove). For these reasons, the further extension of Flat No. 7 and the installation of extensive glazing around Flat No. 9 are considered to neither preserve or enhance the character or appearance of Conservation Area, but would result in less than substantial harm that should be outweighed by a demonstrable public benefit. In this instance, the proposals only benefit the occupants of Flat No.'s 7 and 9 and do not offer any wider public advantage, and therefore fail to comply with Policies 7.8, D2 and DH2, the Conservation Area Statement or the guidance of the NPPF.

Impact on Residential Amenity

Noise and Vibration

London Plan Policy 7.15 sets out how development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life. Camden Local Plan Policy A1 concerns the management of impacts of development, and resists development if it causes unacceptable harm to the amenity of communities, occupiers and neighbours, taking into account factors such as visual privacy, outlook, sunlight, daylight and overshadowing, noise and disturbance. Camden Local Plan Policy A4 confirms how permission will not be granted for development likely to generate unacceptable noise (the supporting text to this policy explains how the top six sources of noise complaints in Camden includes general people noise, such as footsteps, gathering etc).

The Supplementary guidance 'Amenity' supports Policies A1 and A4. It acknowledges that noise and vibration can have a significant impact on amenity, quality of life and wellbeing, and confirms how the Council will seek to protect residents of both existing and new residential developments from the adverse effects of noise and vibration, including the requirement for enhanced sound insulation, where appropriate.

As previously stated, the owners of Flat No. 2 purchased their property in 2014 on the basis that it formed a discreet side addition to the main block of Heath Cut Lodge, with no permanent form of 'solid' accommodation overhead. They acknowledged and accepted the light use of the roof terrace above, but quite specifically chose not to live beneath the habitable floorspace of another property, given the potential for noise and disturbance. They objected to the proposals under Consent Ref. 2017/6838/P on this basis, and for the same reasons now object to any further extension of Flat No. 7, which would further encroach above their bedroom space. Whilst it is noted that a condition was attached to Consent Ref. 2017/6838/P which required the development to be constructed with enhanced sound insulation (which would presumably also be required of any further extensions), it does not negate the fact that having increased habitable floorspace overhead will result in a lesser standard of amenity than is currently enjoyed by the occupants of Flat No. 2. For such reasons, the further extension of Flat No. 7 is again considered unacceptable in respect of Policies 3.5, 7.6, D1 and DH1 and the supplementary guidance.

Amenity Space

Application No: Consultees Name: Received:

Comment: Response:

The proposals involve the further loss of external space to Flat No. 7, resulting in a terrace of 23m² (a 68% decrease from the existing provision), and the re-provision of some external space to Flat No. 9, resulting in a terrace of 74m² (although still a 11% reduction on the existing). Given the recognised value of private amenity space in urban areas, it is regrettable that Flat No. 7 will be served by such a small amount, and this would now appear disproportionate to the scale of this dwelling.

Other Matters - Ownership

It is understood that the applicants do not currently own the 'airspace' above Flat No. 2, upon which the further extension of No. 7 will be constructed. Aside from the planning merits of the proposed extension, the owners of No. 2 do not agree to any permanent form of development here that would compromise the enjoyment of their dwelling.

To conclude, Mr and Mrs Skelton acknowledge that the owners of Flat No.'s 7 and 9 wish to optimise the development potential of their respective properties and acknowledge that the principle of extending them has already been permitted under Consent Ref. 2017/6838/P. However, this remains a constrained urban site and it should not automatically follow that further incremental additions and alterations to the building should be supported. The further gain in accommodation and installation of uncharacteristic glazing should not be permitted at the expense of the residential amenities of neighbouring occupiers, or at the detriment of the townscape or historic environment. For these reasons, we respectfully request that this application to vary Consent Ref. 2017/6838/P be resisted.

We would be grateful if you could keep us updated on the application.

Yours sincerely

Lyn Jones

cc Mr and Mrs Skelton
