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PROJECTS TOWN PLANNERS

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Planning Dept
Camden Council

Letter sent by email to

Jonathan.McClue@camden.gov.uk

25th September 2020

Dear Jonathan,

RE: SITE R/0 1 HILLFIELD ROAD NW6 – OBJECTION TO APP 2020/3553/P

We act for Mr. Alexander Sebba, who lives at 3 Hillfield Road, NW6 1QD. Our client is the owner & occupier of that property.

We have been asked to assess the scheme on the application site (**app: 2020/3553/P**), to see if there are any problems with it. We have concluded that the scheme as proposed contains serial design and massing flaws and should therefore be refused planning permission. Our comments are set out below and the relevant policies and standards referred to.

THE PROPOSAL

The proposal is to create a 4 storey building plus basement, which will dwarf the Hillfield Road houses, and be very close to South Mansions at the top of the site. The proposal virtually covers the garden of 1 Hillfield Road. The kitchen/living floor area and outside patio area at 3 Hillfield is one floor lower than the ground floor of the building/development, as can be seen in the drawings and the right of light report modelling due to the topography, and as a result the proposed building is effectively a **FIVE** storey high building, including the basement.

In terms of detailing, the building is very cubist in style and very much contrasting to the hipped, pitched and gabled roofs in the area.

The building will sit adjacent along the entire garden of No. 3.

EXCESSIVE SCALE

The proposed building is completely out of scale with all the surrounding buildings, especially with the Hillfield Road houses, which have 2 storey front and 3 storey with room in the roof rear parts, and are located at a lower level than the development site. The scheme has not been designed with any sensitivity and should be refused on excessive scale grounds.

Trying to squeeze too much development on the garden site has resulted in a number of issues: the development is too vertical, views along the street are worsened, the sense of openness is closed down and there will be a significant overbearing impact.

STREET PATTERN ISSUES

At the moment, one can see right along the street, from Hillfield Road upwards, and the application site provides a sense of openness and relief, with an element of greenery. Filling in this gap with a huge building will materially worsen street views and townscape character, giving an intense urban feel. Given that most new infill developments in the area are two storey, this scheme should not be permitted on street pattern grounds.

It is clear that the revised scheme unacceptably dominates the surrounding buildings. This is clearly demonstrated in the application documentation. The streetscape needs to be protected from a development that will adversely affect the setting and worsen the townscape of the area.

TOWNSCAPE & LOCAL CHARACTER HARM

The main townscape requirement should be to relate the proposed building appropriately to its surroundings. The new scheme will interrupt the skyline above the surrounding existing buildings (especially the Hillfield Road houses), filling it with a monumental and awkwardly shaped building mass. It will cause severe townscape harm. The proposed building is much too tall in its setting, it unacceptably impinging upon the Hillfield Road houses in particular.

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

OVERDEVELOPMENT, OVERBEARINGNESS AND LOSS OF OUTLOOK

The Council's CPG on amenity states that **"Standards of amenity (the features of a place that contribute to its attractiveness and comfort) are major factors in the health and quality of life of the borough's residents."** (1.3).

With a highly overbearing relationship to the neighbouring garden and the surrounding buildings, this 4/5 storey development will impose severely on surrounding residents. It is clearly overdevelopment of the site, with no regard being had to height issues and to the gardens adjacent to the scheme. It should be noted that each floor height is a very large 2.7m, which unnecessarily adds to the height of the building.

There will be a material worsening of outlook from all directions. This is especially the case from the Hillfield Road houses which, as well as being much smaller than the proposed scheme, sit significantly below it with an upward view.

No regard has been paid to outlook, which is contrary to the Local Plan:

6.4 A development's impact upon visual privacy, outlook and disturbance from artificial light can be influenced by its design and layout. These issues can affect the amenity of existing and future occupiers. The Council will expect that these elements are considered at the

design stage of a scheme to prevent potential harmful effects of the development on occupiers and neighbours. Further detail can be found within our supplementary planning document Camden Planning Guidance on amenity.

LOSS OF DAYLIGHT

The very large scale of the building will adversely alter the relationship with the Hillfield Road houses. The application drawings show that a relatively greater massing will be situated exceedingly close to the neighbouring buildings on Hillfield Road, which sit materially lower than the site – this will create an excessive overbearing and over dominant impact, with a resulting loss of daylight.

In particular, there will be a loss of daylight to the lower rooms of 1 and 3 Hillfield Road. The VSC is clearly failed on these rooms, with the applicant's assessment actually supporting a refusal on daylighting grounds.

DESIGN QUALITY

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

KEY MESSAGES

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

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

In that the development does not respond positively to existing context, the scheme is very clearly not of design excellence. In particular, the sizable vertical massing fails the following design requirements:

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

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

Local Plan policy **H6** is clear that: **‘The Council will attach equal weight to the quality and quantity of new homes proposed in the borough and will not sacrifice housing quality in order to maximise overall housing supply’.**

Thus, design and housing quality should not be sacrificed with this scheme.

Since the design quality of the scheme is not high quality and it does not respond adequately to local context, permission should be refused on design grounds.

In addition, the **NPPF** states that examples of **‘poor design’** should be refused planning permission.

OVERLOOKING: A SEVERE AMENITY IMPACT

The development includes balconies, which can look straight into the Hillfield Road rear bedrooms. Thus, there will be a strong adverse amenity impact and the scheme should therefore be refused on amenity grounds.

It should be noted that **CPG, A1 section 2** states in its key message that **“Development should be designed to protect the privacy of occupiers of both existing and proposed dwellings”.**

The CPG goes on to state:

1.4 This guidance provides information on key amenity issues within the borough and includes the following sections relating to Local Plan Policy A1 – Managing the impact of development:

☐ **Overlooking, privacy and outlook**

☐ **Daylight and sunlight**

☐ **Artificial light**

Overlooking and privacy

2.2 Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expect development to be designed to

protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking.

2.3 The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of this guidance, habitable rooms are considered to be residential living rooms; bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking.

Separation between buildings

2.4 To ensure privacy, it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development, assuming a level topography. In instances where building heights, design or topography mean that opportunity for overlooking would be increased, it is advisable to increase this separation distance. The 18m should be measured between the two closest points on each building (including balconies). See Figure A below.

Balconies and roof terraces

2.11 Although balconies and roof terraces can provide amenity space for flats that would otherwise have little or no exterior space, they also have the potential to increase opportunities for overlooking. Balconies and roof terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings. Conversely, residential buildings should also be designed so that new balconies and roof terraces do not suffer from an unacceptable degree of overlooking from existing developments, particularly when this is the only outdoor amenity space available to the new dwelling

2.14 Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.

Seeing as though there is a relatively small gap to the proposed balconies and the Hillfield Road houses, it is clear that serious overlooking will occur. It is noted that there is only 6m in this distance.

In addition, we request that the windows facing the garden of No. 3 be high level or obscured for privacy and non-openable to avoid noise pollution.

GARDEN REDEVELOPMENT

The application site is not an empty plot of land in need of development but an existing garden area for the 3 flats at 1 Hillfield Road.

The gardens in borough are so important such as that the **CLP** has designated the gardens as nature conservation. **Policy A2**, on open space and the protection of open spaces states in section e that: **“protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible.”** Thus the garden site is a protected nature conservation zone, which needs to be addressed in the scheme assessment.

The **Camden Local Plan** addresses the aspect of gardens, which at **paragraph 6.37** states:

The Council will protect such spaces in accordance with paragraph 74 of the National Planning Policy Framework.

In addition, the Local Plan gives strong advice on retaining gardens:

6.37 Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area. The Council will protect such spaces in accordance with paragraph 74 of the National Planning Policy Framework. Gardens help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore they can be an important element in the character and identity of an area (its ‘sense of place’). We will resist development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape. Part of the established character of these spaces may also be defined through features such as railings and garden walls. We will seek the retention of these features where they make a positive contribution to townscape value.

6.38 We will seek the retention of important views and glimpses of green space where these have been identified in a conservation area appraisal or development brief, particularly where schemes are unable to meet the requirement to provide public open space on-site, to enhance the amenity of residents and occupants. Spaces above rooflines, gaps between buildings and even small, sometimes isolated pockets of amenity space, can be vital in supporting the notion of openness, provide visual interest, soften the built environment and contribute to wellbeing. These views may also help to define the significance of heritage assets.

6.49 We will seek the retention of important views and glimpses of green space where these have been identified in a conservation area appraisal or development brief, particularly where schemes are unable to meet the requirement to provide public open space on-site, to enhance the amenity of residents and occupants. Spaces above rooflines, gaps between buildings and even small, sometimes isolated pockets of amenity space, can be vital in supporting the notion of openness, provide visual interest, soften the built environment and contribute to wellbeing. These views may also help to define the significance of heritage assets.

6.63 The Council will also seek the retention of other areas with nature conservation value, such as gardens. Development will be resisted where it would result in the loss of an

excessive part of the garden or garden space which contributes to the character of the townscape. Native hedgerows and vegetation comprised of native species should be retained as far as possible. However, we also recognise that existing non-native plants may also make a significant contribution to biodiversity.

7.19 New developments should respond to the natural assets of a site and its surroundings, such as slopes and height differences, trees and other vegetation. Extensions and new developments should not harm existing natural habitats, including in private gardens. Policy A3 Biodiversity sets out the Council's policy on nature conservation, protecting trees and biodiversity.

7.20 Development within rear gardens and other undeveloped areas can often have a significant impact upon the amenity and character of an area. The Council will resist development that occupies an excessive part of a garden and where there is a loss of garden space which contributes to the character of the townscape.

The **Interim Housing CPG** also address it in section 4 Residential development standards and states:

Existing gardens and green space should be retained”.

And, the Fortune Green & West Hampstead Neighbourhood Plan, adopted by Camden Council September 2015, states:

A13. Garden developments: in order to protect the Area's green/open spaces, the development of new dwellings in private gardens should be avoided. If any developments are approved, they should maintain a much lower profile than existing housing stock, usually one or two storeys. (Also see Policy 17).

In addition, the **NPPF** does not support garden development.

The above demonstrates that there are strong planning policy grounds for the garden not to be developed in such a manner. The whole principle of the development should not be accepted by the Council.

THE BASEMENT

By the definition of 6.110, Flat 1 and Flat 3 of the new development scheme will be below ground floor level. Flat 1 will be below ground level due to the topography and flat 3 will be significantly lower with 9 steps going down. These floors by the definition of policy 6.110 are classified as basements and the scheme has a further basement level below (basements of flat 1 and flat 2). Thus, the scheme by definition is a double basement of more than 1 floor deep and this contradicts criterion f and policy 6.131, which states that basement should not be more than one storey. The basement also does not comply with criterion h & K, policy 6.132 as the underground area extends beyond 50% of the garden. The development does not fall under major development under policy 6.133 so the exemption on policy f & K will not apply.

Criterion l & u, the basement foot print is not set back from the boundary and could impact on future planting of trees in the garden of 3 Hillfield Road, as this could impact on the retaining wall. Criterion m & r - the basement takes away the garden and does not support future landscaping and will hinder future landscaping due to the development being on the boundary

The Applicant's BIA has shortcomings. It promotes a sizeable basement but does little to address neighbours' concerns. Its scale is not justified and it would be far better if the basement were restricted in size. This would allow for more ground level planting and better site drainage, with the overall development being less likely to affect neighbouring buildings.

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

KEY MESSAGES

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

Whilst our client would rather the scheme not have a basement at all, it is recognised that a limited one might be possible. In respect of this idea, reducing the size of the basement will positively address these issues, whilst at the same time making the scheme comply with the Council's 50% rule. At the moment, the development does not comply with supplementary guidance or the relevant local **policy A5** on basement development.

DISABILITY ACCESS

The current design does not allow for wheelchair access and this should be made a feature of the scheme.

THE LIGHTWELL

The light well is along the boundary of 3 Hillfield Road and is about 50ft long. The current design is in breach of policy 6.146 which states that large lightwells will not be permitted in any garden space and should be set away from the boundary of neighbouring properties.

THE REFUSE AREA

The proposed refuse area needs to accommodate the No. 1 Hillfield Road as well, as per the planning application of No. 1 Hillfield Road, so this area needs to accommodate 10 flats for rubbish and recycle areas.

INCONSISTENCY AND MISTAKES

Our client will be writing a separate letter on the serial mistakes on the plans. These should be taken into account when assessing the scheme.

CAMDEN LOCAL PLAN 2017

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

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

A1 – ‘The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity’.

The scheme will cause harm to amenity, it creating an overbearing and overlooking relationship to the rear of Nos. 1 and 3 Hillfield Road and harming ground water conditions.

A2 – the scheme is a completely unacceptable loss of open space, especially as gardens are considered as areas of nature conservation importance.

A3 – Biodiversity will be adversely affected by the proposal.

A5 – The scheme’s basement is too large for the site and for adjacent properties.

CC3 – ground water conditions will be worsened by the overlarge basement.

THE LONDON PLAN

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

The proposed building, in causing townscape harm, clearly does not comply with these policies, it being over-large in relation to the Hillfield Road houses and creating adverse amenity implications.

LONDON PLAN - REPLACEMENT DRAFT

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

(D1B) Development proposals should:

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

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

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

THE NATIONAL PLANNING POLICY

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

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

- b) Is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Are sympathetic to local character and history....

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

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

CONCLUSION

The proposed building will worsen townscape and local character, be out of scale with the adjacent buildings, will excessively impinge upon adjacent private garden space, cause a loss of neighbouring outlook, plus the basement is too large. It is a case of overdevelopment and poor design and, when setting all of this within the context of the pertinent planning policy and guidance, it is clear that planning permission should be refused.

The Council is therefore requested to refuse consent.

Yours Sincerely,



PETER KYTE
TOWN PLANNER
ENABLING PROJECTS (TOWN PLANNERS)

cc. Mr. AJ. Sebba