

Delegated Report		Analysis sheet	Expiry Date:	13/02/2020
		N/A	Consultation Expiry Date:	29/02/2020
Officer			Application Number(s)	
Rachel English			2019/5835/P	
Application Address			Drawing Numbers	
4B Hampstead Hill Gardens London NW3 2PL			Please see draft decision	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition of existing 2-storey dwelling and erection of a new 3-storey and basement dwellinghouse				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	-	No. of responses	-	No. of objections	-
Summary of consultation responses:	<p>Press notice displayed from 09/01/2020 until 20/02/2020 Site notice displayed from 05/02/2020 until 29/02/2020</p> <p><u>First round of consultation on original scheme</u> 21 letters of objections received from the following addresses: Flats 1, 2, 3, 4 Hampstead Hill Gardens, 2 and a 1/2, 2, 3, 4A, 6, 7, 8, 9, 12, 18 Hampstead Hill Gardens, 49 Hollycroft Gardens, Kansas (USA) and three unspecified addresses including independent Heritage Report and Basement Impact Audit commissioned by local residents.</p> <p><i>Bulk, height and massing</i></p> <ul style="list-style-type: none"> • The proposed building would double the volume of the existing one and would be ostentatiously out of keeping in bulk, height and style with the attached dwelling. It would downgrade number 4A to an anomaly in the street, little more than an outbuilding. The proposed development seeks to impose itself somewhat aggressively, separating itself architecturally from 4A, to which it is attached, and which it will so powerfully dominate, thus creating a lopsided effect. • The proposals would block the skyline above the current building filling it with a very large and awkwardly shaped building mass and creating a vertical blocking effect • The proposed new building, with its third storey, attention-demanding façade and overall bulk dwarfing 4A, will change the harmonious character of the road. It would cause demonstrable harm to the streetscene along Hampstead Hill Gardens by virtue of its height, bulk, massing, form, materials and detailed design • Fails to be visually subordinate to no.4a, a feature since the mid-20th century, increasing density on the site which was historically an infill of open garden space, thus detracting from the pattern and grain of development on the southern side of the road and inverting the historic physical and visual relationship between nos.4a and 4b • The proposed plan is an unnecessary over-development that produces unacceptable massing and bulk and undermines the setting of the surrounding Grade II listed buildings • Cause demonstrable harm in views east and west along Hampstead Hill Gardens due to its more prominent and assertive scale and appearance, intruding into views of the flank elevation of no.6 and the rear roofscape of no.4 (Grade II listed). <p><i>Design and appearance and impact on the Conservation Area</i></p> <ul style="list-style-type: none"> • The existing buildings (4A and 4B) are not listed in the Conservation Area Statement as ones which detract from the character and appearance of the area. The two houses also carefully and intentionally blend in terms of height, massing and appearance. • Detracts from the spaciousness and verdant character of the southern side of Hampstead Hill Gardens. The site used to be a tennis court belonging to number 4 Hampstead Hill Gardens. This is creeping development. 					

- The proposed design would be commercial and futuristic in its character.
- The proposed house would be out of harmony with the character of its immediate surroundings, breaking the rhythm of the townscape by virtue of its materials (especially the metal cladding on the roof area and aluminium windows) and design (including the two Juliet balconies overlooking the street at different angles).
- Intrude into and compromise views of the spire of St Stephen's Church, a Grade I listed building on Roslyn Hill, from the street and from private vantage points.
- The proposed new scheme is far too large for its setting and would be incongruous. A near doubling in size of the property is excessive for such a small site. It is aggressive overdevelopment. It is too tall for the site and impacts unacceptably on the small garden of No 4A.
- The design is not sympathetic to its surroundings and would not preserve and enhance the character and appearance of the Hampstead Conservation Area.
- Obscure views of the mature copper beech to the rear of the site in views from the street and from private vantage points.
- Contrary to provisions of the National Planning Policy Framework (2019), in particular that great weight should be given to the conservation of heritage assets (para 193) and that planning applications should make a positive contribution to local character and distinctiveness (para 192). Contrary to policies D1 and D2 of the Camden Local Plan (2017), policies H21 and H22 of the Hampstead Conservation Area Statement and policies DH1 and DH2 of the Hampstead Neighbourhood Plan (2018)

Basement

- The basement is excessive in size and the courtyard.
- 4A Hampstead Hill Gardens and other surrounding properties have suffered subsidence damage. Conclusions about the suitability of the site for excavation should be based on boreholes from the site of 4B but those on which the BIA is based relate to a survey of No 1 HHG, wholly unrepresentative of the specifics of 4B. The whole area has subsidence issues.
- There is also an unavoidable risk that the proposed excavation and the new basement will lead to damage to No 4A both during construction and afterwards.
- The basement construction process is full of potential for water penetration, structural damage and subsidence to the adjoining properties, and must be seen as un-neighbourly.
- Borehole samples from over two years ago from a property up the road are considered inadequate.

Amenity

- Loss of outlook
- Loss of daylight and sunlight for neighbouring properties including living/dining room and garden at 4A, the only west facing window of 1st floor flat of 6 Hampstead Hill Gardens and artist studio at 4 Hampstead Hill Gardens, garden of 2 Hampstead Hill Gardens.
- Overbearing impact to number 4A Hampstead Hill Gardens.
- Impact on Rights to Light.
- Loss of privacy.

Transport and Construction impact

- Concerns that the works would cause prolonged disruption for the whole neighbourhood.
- The Construction Management Plan shows the work will take over a year and produce considerable noise, dust and vibration. The work includes demolition, extensive piling work and up to 8 heavy goods vehicles (with 8 wheels) arriving daily.
- The proposal would create air pollution as a result of the construction
- Impact on parking will be immense. The proposed house would be built up to the footpath, the owners will lose their two parking spaces and this would result in the loss of an offroad parking space in the street. This will be to the detriment of Blue Badge users for whom Hampstead Hill Gardens is an important road frequently used when attending the Royal Free Hospital.
- Construction hours should not be at weekends or public holidays

Trees

- The arboricultural impact assessment fails to adequately address the risks to the copper beech tree. The report notes it is “not a detailed health and safety inspection of the trees”. One neighbour describes the assessment as “light touch”.
- The suggestion that the life expectancy of the copper beech is some 20-40 years conflicts with the general understanding that such trees have a much longer life span (as above). Do not understand how this statement can be made when there has been no detailed review of this tree specifically.
- If sunlight reduction and impact on soil drainage were to be consequences of the proposed development, then it is probable the lifespan of this “prominent” copper beech would be substantially reduced.

Other

- Impact on health of neighbour.

Nine letters of **support** from 34 Downshire Hill, 24A Lymington Road, one unspecified address on Lyndhurst Road and six unspecified addresses has been received with the following comments:

- On resident is part of the Hampstead ‘walking bus’ scheme and the ‘NW3 Green School Runs’ group both set up with several schools in the area. The aim is to create sustainable modes of transportation, (especially during the school run, which is responsible for a quarter of London's morning traffic (appx 255k cars!!). Supportive of this planning application as keeping or developing properties that can sustain families, rather than forcing moves to other areas creating more commuting, traffic and air pollution, is counter-productive.
- This plan shows a pro-active consideration of the appropriateness of the building in relation to the Conservation Area and importantly the community of Hampstead
- The proposed design is additive and it respects the local character by using for example brick as the main material whilst not surrendering to the still very welcome but dominant design of the late 1800s of the surrounding listed houses.
- The current owner’s family have lived in that house since the 1950’s.
- Development and enlargement of the property for a growing family

must surely be encouraged. Allowing local people to continue to live in their properties is an endeavour to be encouraged and supported.

- The current building is ugly and clearly out of place on such an otherwise beautiful street. The 1960's structure is not in keeping with the surrounding Conservation Area. The proposed new design will improve the streetscape and the overall feel of the road. The new house would add to Camden's desire for high quality design and would be far more fitting in Hampstead Hill Gardens in terms of its height and scaling than the current building. The proposed design manages to span the architectural generations.
- The proposals fill the space well, both height and width. Its strong design, use of materials and detailing, far better reflect the existing houses and the interest architecture already existing in the street.
- The new house will be sited more appropriately on the plot to improve the current layout of houses on the bend on that side of the road, overcoming the current issue with the house being neither back from the front line of the other houses or in line with them.
- Although of a modern design the proposed property would contribute with its well-considered and respectful front façade. The detailing and visual impact of the new house will be a huge improvement over the current ugly property that is not in any way congruent with the road in which it sits. It would maintain the street pattern of the original village that the Conservation Area was created to protect.
- The proposed use of bricks rather than metal cladding would be much more appropriate for a street comprising mostly Grade II listed buildings. The architectural detailing reflects the local distinctiveness and character for the area.
- The height of the new building would be in line with the dimensions of the surrounding properties.
- The proposals would have a negligible impact on the availability of the direct sunlight to a majority of surrounding amenity areas.
- Whilst adding an additional storey may have impact on the surrounding houses, there is perhaps a valid argument that the proposed height of the new build would actually be more in line with the surrounding houses which are generally 3 storeys. This neighbourhood would certainly benefit from having houses that are of similar height and build.
- This is a great opportunity to upgrade the energy performance and sustainability credentials
- The developer should work with Camden and its gardening contractors to assess which plants, shrubs and trees impacted by this change can be received. The flora and fauna which help to reduce pollution and improve the general environment can be recycled to another Camden location. Due to the nature of these works and construction traffic this small consideration in reducing pollution will help to reduce the carbon footprint of the work.

Second consultation on revised scheme

Application re-advertised by new site notices displayed from 17/06/2020 until 11/07/2020

32 letters of **objections** received from Flats 1, 2, 3 and 4 of 4 Hampstead Hill Gardens, 2, 2 and a ½, 3, 4, 4A, 6, 7, 9, 10, 12, 18 Hampstead Hill Gardens, 4 Reachview Close and 2 unspecified addresses with independent Basement Impact Audit with the following concerns:

Height, scale and bulk

- The proposed scale does not fit in the adjacent neighbour 4a or with the surrounding Grade II listed properties on the street.
- Excessive and overdevelopment of the site.
- Negatively impacts on rooflines, the views of St Stephen's Church and the copper beech to the rear as well as to nearby homes.
- The proposals would harm the streetscape.
- Intensification of the site.
- Excessive height and bulk. The third storey will dominate the property and be top heavy.
- Would not be subordinate to number 4A.
- Would increase density on the site which was historically an infill of open garden space.
- Detracts from the pattern and grain of development and inverts the physical and visual relationship between numbers 4a and 4b.
- The proposed dwelling at 4B would dominate that at number 4A.
- Any acceptable redevelopment of 4B must result in a structure not exceeding the height of 4A, with complementary building lines and design features. Such a redesign could no doubt greatly improve the current appearance of 4B, and would be likely to receive a more sympathetic response from neighbours and heritage groups.
- Contrary to the CPG's requirement that a development must "carefully respond to the scale, massing and height of adjoining buildings.

Design and appearance and impact on the Conservation Area

- The style, design and materials are incongruous and not in keeping with the aesthetic of the street or Hampstead Conservation Area.
- The proposed house has a vertical, commercial design ethic inappropriate for this road.
- The Juliet balconies on the front façade are incongruous with the houses in the street.
- Fails to comply with policies D1 and D2 and would not preserve or enhance the character and appearance of the Conservation Area.
- Discordant architecture with the surrounding heritage.
- Detract from the verdant character of the southern side of the street
- The proposals is significantly discordant with the distinctive architectural qualities of this part of the street, namely the Batterbury and Huxley Queen Anne style Grade II listed buildings.
- Harm to the streetscape.
- Would detract from the appearance of the neighbouring properties due to form, design and materials.
- Would create a jarring and asymmetrical vision along the roofline.
- The front façade is forward of the existing building line.
- The basement site coverage is excessive and does not comply with policy A5 of the Local Plan.

Basement excavation

- The proposals could lead to serious flooding for existing surrounding houses.
- Concern about local ground stability, water flows and risk of subsidence for surrounding properties.
- Structural danger for attached house (4a). The building has suffered damage from ground movement in the past and the fundamental

change in foundation support at one end of the building is likely to cause long term damage.

- The borehole samples on which the submission is based were taken 5 years ago, they are wholly inadequate for calculating the risk of subsidence today.
- BIA does not meet the aims of the CPG on Basements.
- The BIA lacks a reliable, site-specific, intrusive ground investigation.
- A lack of data on the ground water pressures that will bear on the permanent structure and an absence of specific stratigraphic detail over the depth through which the temporary trench sheeting need to be installed.
- The applicant needs to undertake a site-specific borehole, to a depth of not less than 12m. This borehole needs to be logged, sampled and tested, and a reliable ground water pressure at formation level should be established.
- No investigation has been done on the detailed construction of the cavity wall on the boundary with 4A, or its method of restraint.
- The risk in removing the outer leaf of the party wall to 4A is unacceptable as there is a high risk of damage to the retained leaf of the party wall.
- It is also proposed to reduce the thickness of the garden boundary walls to a half brick. To achieve this over an extended area of a free standing wall is unlikely to succeed and the wall will collapse or become so fractured that it becomes unstable and require demolition for safety reasons.
- It is proposed to cut back the foundations on both sides of the property so that the foundations are cut back to suit the line of the new structure. This will result in eccentric foundation load which may well cause excessive movement due to overstressing the existing formation. The loading will be temporary but as the sub strata is clay and elastic this eccentric loading will have an immediate effect on the foundation causing it to settle unevenly due to the eccentric loading resulting in movement of the remaining leaf of the cavity wall resulting in cracking of the wall.
- The walls should not be reduced in size as the risk of collapse is too high and even if they are not reduced in size they will need to be propped with an additional level of wallings at ground level with vertical soldier supports at regular intervals to ensure the walls are properly supported and can resist the earth and surcharge loadings.
- The underpins do not extend below the formation of the general excavation and so have the potential to slide under the horizontal earth loading which is applied to the underpin as it is cast.
- The development is overambitious in the desire to maximise the floor plate, especially below ground level.
- The desire to cut back the party and boundary walls back to the defined boundary line is going to result in significant damage and disruption to both the immediate neighbours being the owners of 4A and 6 HHG.
- The activity of the railway tunnel that dissects the street causes vibrations which could be exacerbated by the excavation of a basement.
- The Campbell Reith audit commissioned by the Council is not comprehensive. Camden is not fulfilling its obligation to prevent harm to neighbouring properties or harm from vibration.
- A Basement Construction Plan is missing – this is contrary to the

Hampstead Neighbourhood Plan.

- Party wall agreements will not overcome the substantial risk to the adjoining property that this basement will cause. There would be no redress beyond a certain period of time.
- The site investigation does not comply with British Standards or the recommendations in Arup's 'Camden geological, hydrogeological and hydrological study.
- Given the many adverse factors that may cause movement both horizontal and vertical combined with vibration cracks in the order of 15mm wide, so between Moderate (3) and Severe (4) category' are expected.
- There should be more detailed method statements for all the works to explain how the development is going to be undertaken, bearing in mind the restriction of the site which will get narrower as the wall will need to move into the site.

Amenity impact

- Loss of light for neighbouring properties including living/dining room and garden at 4A, the only west facing window of 1st floor flat of 6 Hampstead Hill Gardens and artist studio at 4 Hampstead Hill Gardens, garden of 2 Hampstead Hill Gardens.
- Overshadowing concerns.
- Daylight and sunlight report has not been revised.
- Loss of light to neighbouring gardens.
- Loss of privacy.
- Loss of outlook.
- Overbearing impact on number 4A.

Other

- Loss of nature
- Concern about health of neighbour
- Air pollution

Construction impact

- Noise and disruption
- The site is small and access for the works will need to be from the street utilising the existing pavement crossing and there will be very little space for the site office and storage of materials.
- The site is on a blind bend and covers a width of 9.3m just about the same as one of the 8- 10 HGVS six days a week for more than a year. It reduces visibility and impairs the visual amenity of this road.
- There is a school and the Royal Free Hospital at the end of this modest sized road and it bears a lot of traffic and parking needs of disabled drivers visiting the hospital already.
- Parking is already very bad on this road.
- The road is used as a rat run.
- There should be no construction work on Saturdays.
- Concern about dust.

Hampstead Hill Gardens Residents Association

First round of consultation on original scheme

Object to the proposals on the following grounds:

- The streetscape on this road, and in particular at the specific point in the road where the site is located, would be severely compromised by this proposal. The proposed redesign of the building is not in keeping aesthetically with its surroundings. If allowed, it would detrimentally impact the character and continuity of the existing streetscape, one which is defined by the setting of the surrounding Grade II listed buildings.
- The roofline would become a jagged edge, with one roof substantially out of kilter with its fully attached and larger next door property
- The Applicant is proposing to radically alter the roofline, creating a “tower” effect which would be quite inappropriate in the context of the surrounding homes and the protected style of building which forms the core of the immediate road’s character.
- The proposal results in substantial massing of the building, in particular against the street and public footpath for those passing and for near neighbours. This would be out of context on this road where most of the properties are set well back from the highway.
- The building’s current low, consistent roofline and clear setback from the road and public pavement creates a sense of openness which would be destroyed as the light and views would be blocked by the substantial increase in height and density of the new design. The Applicant’s own pictorial representations of the proposed design illustrate the massing effect on the immediate area in front of the building as well as in the rear gardens of 4a, 4, 2a, 2 and 6 Hampstead Hill Gardens.
- What was a space between the dwellings was thus converted into two homes, with the Applicant’s current residence having previously been the attached garage to 4a’s principal residence. The proposed plan would convert what was a garage, and now a 3/4 bedroom home, into a much larger 4 bedroom family home, doubling the habitable space, dwarfing the original primary residence next door and further enveloping the latter’s garden.
- The massing of the building near the highway and against the property lines; the increase in height of the structure which blocks views and compromises the skyscape; the loss of sunlight to neighbouring gardens and homes; the creation of an extended basement well beyond the footprint of the existing building are all key indicators that collectively establish that this is a case of overdeveloping a site and it should not be approved. This is contrary to Hampstead Neighbourhood Plan and the Conservation Area Statement.
- The increased height of the additional storey would dramatically alter views to and from at least seven nearby Grade II listed properties, interfering with them and in part obscuring some, depending on the point of observation. Critical views from several of these nearby listed properties would be compromised. For example, there are line of sight views from a number of windows at 9 Hampstead Hill Gardens to the spire of Grade I listed St. Stephens’ Church which will be entirely blocked if this plan is allowed to proceed.
- The proposed plans would damage the “skyscape” for virtually all near neighbours, both from the front of the building and in

neighbouring gardens. The proposed plans would materially and detrimentally alter the perspectives each of the Applicant's several neighbours currently enjoy and would damage their ability to enjoy evening sun, morning light and the beauty of the Hampstead skyline throughout the day.

- A restrictive covenant on the property applies to 4a as the dominant property but which should also apply to 4b by reference as it was and remains the subservient property, as well as a fully integrated part of the original structure.
- The new structure which is being proposed doubles the size of the property but only adds one bedroom. This proposal does not in fact increase Camden's housing stock because the exact same family will live there but simply in a more expansive space. There is in fact no net new housing stock being added for the Camden community despite the loss of amenity, the massing and overbuilding required and the damage to the streetscape and green environment that will result.
- The plans should be rejected if for no other reason than the damage the addition of the new 3rd storey tower would do to the lightscape of neighbouring properties. The increased height of the structure creates a sundial effect, casting a block of shade more or less continuously across nearby homes and gardens throughout the day as the sun traverses the sky.
- The proposal would result in the destruction of a subordinate and inoffensive structure which while not listed has nevertheless through the passage of time become a critical part of the character of the road. The structure's design is now firmly a part of the streetscape. Local residents have grown accustomed to the size, shape and integrated style of 4a and 4b and it would be a tremendous loss to this community to allow a radical new design which is widely opposed.
- The proposed design is bulky, overbearing, has a commercial aesthetic and is inconsistent with the character and architecture of neighbouring properties. Some materials used such as reflective tiling are out of keeping with nearby homes. This incompatibility would be particularly severe in the case of 4a, which is entirely different in design, style, materials and shape from that which the Applicant proposes. This is out of keeping with the surrounding listed buildings.
- The proposal results in a loss of privacy for nearby homes by building too high and by seeking to add Juliet balconies to the front upper level leading to a loss of privacy for residents across the road. Additional windows will be added to the property, existing windows enlarged, and several new windows added on the proposed new tower level which will all have direct views into bathrooms and bedrooms at 7 and 9 as well as 2, 2a, 4a, 4 and several of the residences at 6 Hampstead Hill Gardens.
- By virtue of its increased height, the new tower structure will substantially increase the incidence of overshadowing, in particular affecting neighbouring gardens at 4a, 4, 2, 2a and 6 Hampstead Hill Gardens. The privacy of several gardens will be almost entirely compromised with virtually every corner of adjacent and facing properties now overshadowed, most dramatically for the home at 4a.
- There is no doubt that the amenity of the road and near properties would be reduced and it is our considered view that the level of amenity reduction is simply not acceptable in the context of what is

being proposed.

Second round of consultation on revised scheme

- The proposed development contravenes a number of critical Camden Council planning policies, the NPPF, the London Plan, the Hampstead Neighbourhood Plan and the Hampstead Conservation Area Statement.
- While we recognise and appreciate that the applicant has made several minor modifications to its third iteration of this application, the applicant has frustratingly failed to reflect the very specific concerns raised by local residents repeatedly and consistently regarding the damage this proposed development would do to local residents, their properties and to the Hampstead Conservation Area.
- The applicant continues to seek planning permission for a large basement but has failed to conduct a proper BIA. We argue that the data in the BIA is inherently suspect given the flaws in the borehole sampling that was used as the data source. The BIA submitted in this application was based on borehole samples from the site taken at a single point in time over 5 and a half years ago. The site has a history of clay-related subsidence with insurance claims for subsidence damage having been filed in 2005 and then again in 2015.
- The depth of the proposed basement exceeds the depth of the applicant's borehole survey which raises very obvious doubts about the quality and even relevance of the data in the BIA.
- Hampstead Hill Gardens has flood risk and the site is close to a flood area. Furthermore, the home at 4a HHG is subject to surface water flooding, particularly after the applicant removed a mature tree, and 4b is downhill from 4a. Proper borehole testing will provide inputs to model water movements on the slope and assess the water damming issue.
- The addition of a third storey should be rejected outright. It detracts from the amenity of the road and neighbouring properties and would have an adverse effect on the streetscape, in particular the roofline of 4A, the dominant property. It would be jarring and incongruous and creates an inconsistent roofline with 4A
 - The third storey would darken and overshadow neighbouring gardens.
 - The applicant should be required to conduct a proper borehole study.

Hampstead Neighbourhood Forum

Response to first round of consultation

- Objects to the proposed massing of the proposed massing of this project and the impact that it would have on the streetscape and the amenity of 4a Hampstead Hill Gardens.
- The addition of a third floor would dominate the rear courtyard of no. 4a and cause a loss of outlook and potentially light, contrary to Camden planning guidance on amenity and DH1 of the Hampstead Neighbourhood Plan ("Protecting the amenity and privacy of neighbouring properties"). The increased height of the proposal would dominate no. 4a from the street view as well.
- Whereas 4a and 4b currently sit unobtrusively among their listed neighbours, this proposal through its increased height and massing, would be assertive and architecturally jarring, particularly in contrast

to no. 4a. The proposal, therefore, would be contrary to DH1, which states that designs should respond “positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surround buildings.”

Response to second round of consultation

- We appreciate the applicants’ efforts to make this proposal more acceptable to the neighbourhood and can sympathise with their desire for a better home. Unfortunately, the downside of building in an area full of character and listed properties is that any new addition must be judged on how it respects and enhances its surroundings.
- We found that the original proposal, with its increased height and massing, to be contrary to DH1 of the Neighbourhood Plan, which states that designs should respond “positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surround buildings”. DH1 also asserts that the amenity and privacy of neighbouring properties must be protected.
- The revised proposal does not materially alter the overall massing of the property nor change our opinion that the scale of the property would be jarring next to number 4a. We do not have the expertise to assess the daylight, sunlight and overshadowing report but are concerned that the increased height and depth will overwhelm the garden of 4a and negatively impact the amenity of residents of no. 6.

Downshire Hill Residents Association

First round of consultation

Object to the proposals on the following grounds:

- The proposed design and massing is detrimental to the immediate setting and harmful to the conservation area, and would set an undesirable precedent.
- The existing building is constructed on garden land excised from the original garden of No 4, and departs from the original urban form and consistent settlement pattern and grain.
- This existing building, of no architectural merit, has already seen its one storey garage area extended upwards, and converted into a house on a yet smaller subdivided plot in further contrast to the scale and grain of the setting.
- Despite its lack of design quality the original building with its one storey garage, at least had the merit of a discrete height, maintaining a subservient relationship to its neighbours, acknowledging a cramped site. Any development on this sub-divided plot should be constrained within its current footprint and height.
- There is no case for an extension upwards which totally unbalances the relationship of 4A and 4B as seen from both the front and rear views. Resort to complex geometries and elaborate elevational surface treatments do not disguise this anomaly, and actually draw further attention to the massing incongruity in relation to the original host building. Furthermore there is no case for any extra projection beyond the existing frontage line which again exacerbates an unsatisfactory relationship. These are the primary reasons for objection, but it should be noted that the attempt to create a 4 bedroom house on this plot also raises a number of qualitative

accommodation concerns.

- Important habitable accommodation, namely the family dining and kitchen area, is in a full basement served only by a rooflight, and as such is heavily compromised and without aspect.
- The existing garden space is already very confined and disproportionately small for what would become a 4 bedroom family house, and is out of character with the scale and nature of the surrounding gardens. The insertion of a large rooflight impacts the practicality of the limited garden space and may also introduce a light pollution concern (note Camden's guidance on basements). These further factors reaffirm the overall assessment that this proposal would be an inappropriate overdevelopment in the conservation area.

Second round of consultation

These changes do not address the 'in principle' design objections raised in correspondence of 26 Feb 2020. On this basis our objection still stands.

Hampstead Conservation Area Advisory Committee – No responses received

The Heath and Hampstead Society

Response to first round of consultation

- We strongly object to the proposals to build a prominent four storey house on the small site of an existing two storey house with a minute open space.
- The application proposes a basement and external excavation over virtually 90% of the site. This is in contradiction to the limit to the amount of excavation allowed on a site required by the Local Plan.
- The deep narrow lightwell on the original application has been omitted but the amount of light reaching the habitable rooms in the basement will be inadequate. Permanent artificial light and ventilation will be required which is bad for the environment and for the occupants.
- The application has been extended closer to the back of the pavement than the existing house and is one full storey taller.

Response to second round of consultation

The following contains additional objections based on the subsequent amendments and assessments made by the applicant and the objectors. We have major concerns about this planning application and its impact on neighbouring properties.

Calculating the slope angle from contour lines on the 1:5000 OS map the planned basement is proposed to be dug on a hill side with a general slope of 7° rising to a short steeper slope of more than 8° east-west to its immediate north. While the ground surface flattens out a little across the site, insufficient boreholes have been undertaken to triangulate the slope

angle of the underlying clay, which is the relevant slope here and possibly steeper. The superficial layer named 'Made Ground' is actually the solifluction head laid down at the end of the last Ice Age and now with some brick fragments within it. It has an even higher tendency to landslide as well as raised permeability to groundwater. Consequently this address appears on the crimson line denoting high and very high potential landslide activity on the BGS map Areas of Slope Instability. Yet the Campbell Reith BIA Audit states: "It is accepted that there are no slope stability concerns regarding the proposed development."

Many London Clay slopes greater than 3° are covered with a veneer of Head, which may not be shown on geological maps. Culshaw and Crummy (1991) suggested that these too should be considered as potentially unstable. The head is composed of redeposited London Clay, including the Claygate Member; it is derived by downslope solifluction and soil creep and may contain relict shear surfaces. The shear strength is likely to be at, or close to, its residual value. Reactivation of the shear surfaces may occur if the slopes are undercut, loaded, saturated or the water table rises.

Please refuse on the basis of inadequacies of the BIA and the BIA audit and risk to surrounding buildings

Councillor Stephen Stark

Objects to the application on the following grounds:

- Contravenes a number of critical planning policies at local, regional and national level
- Will harm the beauty of the road and surrounding area. It is not in keeping with the location and closest neighbours.
- The roof and its tiles are very different to the surrounding properties which is jarring.
- The new building creates a larger building which is unwelcoming in the massing where there is currently an open feeling which is viewed from public and private views.
- It will block views of St Stephens Church
- The building will be higher. Has a light study been carried out?
- Concerned about the architectural merit of the proposals in terms of its context surrounded by listed Batterbury and Huxley architecture.
- The Juliette balcony invades the privacy of neighbouring properties.

Thames Water

- The developer should demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. If planning permission is to be granted then an informative should be added for the applicant to get a Groundwater Risk Management Permit from Thames Water.
- As required by Building regulations part H paragraph 2.36, Thames

Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.
- The proposed development is located within 15 metres of our underground waste water assets and as such an informative should be attached to any approval granted to ensure that assets do not fail.
- The applicant is advised that if using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage.
- If planning permission were granted then an informative should be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Site Description

The site contains a two storey, three bedroom dwelling house attached to 4A Hampstead Hill Gardens. The dwelling was originally part of the garden for 4 Hampstead Hill Gardens and then permission was granted for a dwelling house and double garage. The double garage was converted into a dwelling house in the late 1960's which is now the application site. The current dwellinghouse has space for two cars to be parked onsite.

Attached to the application site, to the west, is 4A Hampstead Hill Gardens which is a two-storey single family dwellinghouse. To the east of the site is 6 Hampstead Hill Gardens which is divided into six flats.

The site is located within the Hampstead Conservation Area and is not noted as making a positive contribution to the Conservation Area. The nearest listed building is 4 Hampstead Hill Gardens (Grade II listed). The buildings opposite the site (nos. 7, 9 and 11) are all Grade II listed.

The site also lies within the new Hampstead Neighbourhood Plan area, adopted in October 2018.

The site is located in an Article 4 Direction area with restrictions on basement development and heritage and conservation.

The site is located within the Hampstead Town Construction Management Plan Priority area.

Relevant History

TP24808/26975 - The erection of a two-storey dwelling-house and private double garage on a site adjoining No. 4, Hampstead Hill Gardens, Hampstead, and the formation of a new means of access to the highway. Granted on 28/05/1955

4B Hampstead Hill Gardens

1941- Erection of self-contained dwelling over existing garages at 4a Hampstead Hill Gardens. Approved on 19/07/1966

2015/3497/T - (TPO REF 12H) FRONT GARDEN: 1 x Hornbeam – Remove. Refused on 30/09/2015. Application was refused on the grounds to protect the visual amenity the trees provide and to preserve the character of the area. Appeal allowed by Planning Inspectorate dated 11/02/2016 with 1 replacement tree to be planted at the front of 4B at least 1.8metres in height

2019/2964/P - Erection of 3 storey dwellinghouse with basement following demolition of existing. Withdrawn on 29/07/2019

4A Hampstead Hill Gardens

PWX0302097 - Erection of a various ground floor infill extensions and a first floor side extension together with improvements to the external elevation of the existing dwellinghouse, including replacement windows and new zinc roof. Granted on 14/04/2003

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

New London Plan - Intend to Publish version 2019

Camden Local Plan 2017

G1 Delivery and location of growth

H1 Maximising housing supply
H4 Maximising the supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
C6 Access for all
A1 Managing the impact of development
A2 Open space
A3 Biodiversity
A4 Noise and vibration
A5 Basements
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC4 Air quality
CC5 Waste
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials
DM1 Delivery and monitoring

Supplementary Guidance 2018-19

CPG Access for all (2019)
CPG Amenity (2018)
CPG Basements (2018)
CPG Biodiversity (2018)
CPG Design (2019)
CPG Developer contributions (2019)
CPG Energy efficiency (2019)
CPG Interim Housing (2019)
CPG2 Housing (2016, amended 2019)
CPG Transport (2019)
CPG Trees (2019)
CPG Water and flooding (2019)

Hampstead Neighbourhood Plan 2018

DH1 Design
DH2 Conservation areas and listed buildings
BA1 Basement Impact Assessments
TT1 Traffic volumes and vehicle size
TT4 Cycle and car ownership

Hampstead Conservation Area Appraisal and Management Strategy adopted 2001

(pages 26, 32, 33, 48, 49, 51, 52, 57, 59 – 63)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the demolition of the existing two storey dwellinghouse and erection of a new 4-bed dwellinghouse in its place. The dwelling would have a basement floor, ground, first and second floor with projecting dormer windows at the front and the rear. One of the two onsite parking spaces would be retained. The new dwellinghouse would have a floor area of approximately 194sqm (GIA) to replace the existing house of 110sqm (GIA).

1.2 Follow design advice given by Officers to the applicant, a previous application for similar proposals was withdrawn by the applicant (ref 2019/2964/P). The previous scheme was considered to have excessive massing and bulk and unsuitable materials for its context within the Hampstead Conservation Area. This application seeks to address unacceptable elements from the previous application.

1.3 During the course of this application, the applicant formally submitted revised proposals making amendments to again try to reduce the bulk and massing of the building, which include:

- The building line to the street has been pulled back;
- Master bedroom on 2nd floor reduced in size so that it can be accommodated in a pitched roof form with dormers and floor area reduced overall;
- Massing reduced to reduce skyline of proposals;
- Verticality to street elevation omitted by straightening facade and reducing to a single storey portico;
- Vertical proportions of 1st floor windows omitted by reduced height and general changes to design;
- Juliette balconies removed;
- Elevations amended to include details which align with the horizontal eaves and portico of the adjacent 4a and provide the proposals with a greater horizontal emphasis;
- Gable elevation to adjacent garden re-designed to echo characteristics of gable to No. 6;
- Roof lantern removed;
- Boundary treatment to the street revised to echo treatments of boundary walls elsewhere on the street.

1.4 The material considerations in relation to the assessment of this application are:

- Principle of development
- Design and appearance, impact on the character and appearance of the Hampstead Conservation Area and setting of nearby listed buildings
- Basement impact
- Amenity
- Residential standards
- Trees
- Transport
- Construction Impact
- Sustainability and energy

2.0 Principle of the development

2.1 The applicant has stated in the Planning Statement that the existing dwelling is in need of extensive repair work with a lack of insulation and leaking roof. The proposals would increase the number of bedrooms on site in order to create a larger family dwelling.

2.2 The building is not noted as one which makes a positive contribution to the character and appearance of the Hampstead Conservation Area. There are no objections in design terms to the demolition of the dwellinghouse. The demolition of the dwelling and replacement is supported in principle, subject to the other material considerations discussed below.

3.0 Design and appearance, impact on the character and appearance of the Hampstead Conservation Area and setting of nearby listed buildings



Existing dwelling

3.1 The application site is situated on a sweeping curve in a residential street lined predominantly with substantial red brick Victorian properties. The existing site is an anomaly as it contains a flat roofed red brick and zinc clad 2 storey residential dwelling which was formerly a garage to the 2 storey building adjacent. The application site and the adjacent property both date from the 1950s/60s. Map examination shows that these buildings are located on what was formerly the garden area of the substantial Victorian villa (4 Hampstead Hill Gardens) adjacent and would have had a continuous retaining wall- the existing open boundary with forecourt parking appearing very out of character and harming the streetscene. The site is located in the Hampstead Conservation Area, which is of considerable quality and variety with a range of factors and attributes including its topography, the Heath and the range, excellence and mix of buildings, which come together to create its special character. The Conservation Area stretches beyond the village itself to include South End Green, Frognaal and Rosslyn Hill and offers many fine and interesting examples of the architectural development of London. As mentioned above, the application site (and adjacent number 4A) are not identified in the Hampstead Conservation Areas as making a positive contribution to the Conservation Area. The site is directly appreciable in views of Grade II listed nos. 3-11 Hampstead Hill Gardens opposite and 4 Hampstead Hill Gardens adjacent to the site.

3.2 Local Plan Policy D1 states that the Council will seek to secure high quality design in development. The Council will require that development- a) respects local context and character, b) preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage and e) comprises details and materials that are of high quality and complement the local character. Paragraph 7.2 of the Local Plan states: The Council will require all developments to be of the highest standard of design and will expect developments to consider 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 and the impact on existing rhythms, symmetries and uniformities in the townscape, the composition of elevations, the suitability of the proposed design to its intended use, inclusive design and accessibility, its contribution to public realm and its impact on views and vistas; and the wider historic environment and buildings, spaces and features of local historic value.

3.3 In addition Local Plan Policy D2e) states that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area and preserves or enhances the borough's listed buildings. The Council will resist development that would cause harm to significance of a listed building through an effect on its setting.

3.4 The Hampstead Neighbourhood Plan policy DH1 supports the above policy D1 and notably, in criteria 2, states- Development proposals should demonstrate how they respect and enhance the

character and local context of the relevant character area(s) by: ... c. Responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings.

3.5 Para. 196 of the National Planning Policy Framework states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

3.6 Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area; Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The effect of these sections of the Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified. This section of the report assesses the harm to heritage assets from the proposal. The balance of the harm and the benefits from the proposed scheme is discussed in the paragraph 3.11 below.

3.7 Further west along Hampstead Hill Gardens, there is a mixture of stucco and red brick properties, but as the road approaches the curve, the character of the area changes to be very distinct and uniform, as described below. There are a handful of modern buildings in this part of the road, but these have attempted to be sympathetic to the prevailing character in the use of materials and scale, to varying success.

3.8 The substantial, detached Victorian villas which characterise the street are all two storeys in height with basement and dormers for attic accommodation. The existing application building and the one adjoining it are much more low-rise at two storeys in height and appear anomalous in the streetscene. It is considered there is scope for a new building. However the property should remain contextual and should not overdominate its surroundings, or harm the setting of the surrounding listed buildings, including those at 3-11 opposite and the listed building at No. 4 with which it currently has a subordinate relationship. There is a modern block of flats adjacent to No. 6; whilst the height of these flats may be contextual, they have a bay feature which extends to the top of the building, giving it an overly vertical emphasis, at odds with the prevailing character.

3.9 In terms of the prevailing material context, all buildings within the street are red brick, with detailing picked out in complementary materials, including terracotta and small amounts of white render. The historic buildings have red clay tiled roofs. Dormers are clad in clay tiles, with the exception of one incongruous zinc clad dormer. All fenestration is timber, painted white, with the exception of the modern block of flats which has brown painted timber, again at odds with the prevailing character. All windows in the historic buildings are timber sliding sashes, generally 6/6 or 6/1 sashes and 1/1 replacements. No 6 has had casements installed at upper levels, which harms the character and appearance of the conservation area.

3.10 The historic buildings in the street generally have gently sloping roofs with well-proportioned dormers. Moving east along the road, a number of the properties have prominent chimneystacks. Traditional boundary treatments incorporating low red or multi stock brick walls with planting behind and piers flanking the house entrance can be found in the immediate area. Where the piers have been reduced in height or the boundary treatment completely removed, it is conspicuous and harmful to the streetscene. The site in question would originally have had a continual wall enclosing the garden of No.4. The open frontage and forecourt parking is detrimental to the streetscene and there is

scope here to provide an improved and sympathetic boundary treatment.



Proposed design

3.11 As described in the site analysis above, the predominant character of the surrounding built context comprises two storey buildings with basement and dormers. Almost all the other buildings in the street have a strong vertical hierarchy with proportions diminishing at roof level. Where this has not been respected (on the modern block of flats discussed above), the result is a strong vertical emphasis and overly dominant appearance, at odds with the surrounding context. Whilst the existing building has been modified, it does still benefit from a relative unobtrusiveness in the street and does not compete with adjacent buildings or impact adversely on the setting of nearby listed buildings. At three storeys above ground, the proposed building has an additional storey above ground which is not typical of the surrounding 2 storey context. The applicant has attempted to modify the third storey to give the appearance of attic accommodation. However it is a full additional floor and still appears excessive and overbearing; this is particularly apparent in views looking west, where the location of the building on the curve in the road exacerbates the intrusion into the streetscape and the overdominant character. It appears overly large in relation to its adjoining neighbour at 4A and no longer reads as a subordinate development in the streetscape. The additional height and bulk competes with the listed villas opposite and intrudes into views of the listed building at no.4, undermining its setting through greater visible bulk and massing and no longer responding to the traditional historic relationship between the buildings in which No 4 predominates and 4A&B remain legible as subordinate buildings. The proposed front dormer fails to integrate well into the third storey, appearing as an alien and incongruous 'floating' addition and adding to the perceived bulk of the building in key views.

3.12 It is considered that in general, the main palette of materials and general design approach provides a contextual contemporary response to the local built character, but as with previous iterations of the proposal, there is still an issue of scale, which has not been satisfactorily addressed.

3.13 Whilst the existing building is not noted as a positive contributor to the conservation area, it is unobtrusive in the streetscape due to an appropriate scale and enables the historic buildings to retain visual dominance. The scale of the proposed replacement new building is excessive- it overwhelms the adjoining building and unbalances the traditional relationship between 4A&4B and No. 4. It also competes with the listed villas on the opposite side of the road, no longer reading as a subordinate part of the streetscape. For the above reasons, it is considered that the proposed new building would fail to preserve or enhance the character and appearance of the Hampstead Conservation Area and streetscene. It would also cause harm to the significance of listed buildings through an impact on its setting, contrary to Local Plan policies D1 and D2.

3.14 Whilst there would be harm, the development would not completely remove the essence of the conservation area and its special character, nor would it remove the significance of the listed buildings

therefore it can be defined as causing 'less than substantial' harm to the character and appearance of the Conservation Area and the setting of the listed building, rather than substantial harm. The application will therefore need to be considered against para.196 of the NPPF which states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". This is repeated in Local Plan Policy D2 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." As this is the replacement of a private single dwellinghouse with another larger single dwellinghouse, the public benefits of the proposal are very limited.

4.0 Basement and its impacts

4.1 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. Policy A5 on Basements and associated CPG guidance requires all new basements to be assessed to ensure they maintain the structural stability of the building and any neighbouring properties, avoid adversely affecting drainage and run-off or causing other damage to the water environment, and avoid cumulative impacts on structural stability or the water environment in the local area. This is supported by policy BA1 of the Hampstead NP which requires Basement Impact Assessments (BIAs) to be submitted.

4.2 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, attention 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.

4.3 The site is located in an area of slope stability underground constraints. The proposed basement extends beneath the full footprint of the proposed house and part into the rear garden. The proposed basement would be 3.4m below ground level at its deepest. The applicant has submitted a BIA which has been prepared by RPS. The authors' qualifications are in accordance with LBC requirements as set out on page 22 of the Camden Planning Guidance document on basements.

4.4 In compliance with the requirements of policy A5, the BIA has been audited by Campbell Reith. Following an audit by Campbell Reith, the BIA was found to have outstanding issues that related to a utilities survey, geotechnical parameters assumed in the analysis and ground movement assessment.

4.5 The applicant provided the outstanding material and Campbell Reith concluded in June 2020 that sufficient information had been provided. A site investigation was carried out and two foundation inspection pits were undertaken; one at the front and one at the eastern side of the property. No water inflows were encountered within the boreholes which were found to be dry on completion of the site works. The BIA considered any potential groundwater ingress during construction to be controlled by isolated sump and pump systems. Considering the ground investigation findings, Campbell Reith concluded that there will be no impact to the wider hydrogeological environment. A Ground Movement Assessment (GMA) has been undertaken to demonstrate that ground movements and consequential damage to neighbouring properties will be within LBC's policy requirements. The BIA concludes that the development would give rise to predicted movements and potential damage to neighbouring

properties of between Category 0 and Category 1 (Very Slight) on the Burland Scale.

4.6 The site is at low risk from surface water flooding and no risk from flooding from rivers, seas and reservoirs. Campbell Reith identify that the BIA correctly states the site is in an area where slopes have a gradient less than 7° and that there will be no slope stability impacts resulting from the proposed development.

4.7 Following various objections from local residents with their own professional input, Campbell Reith were requested to revisit the BIA audit and its conclusions in relation to the concerns raised regarding boreholes and proposed damage to neighbouring properties. Campbell Reith issued a follow up letter to their Audit (dated 15th September 2020); however they do not change their view that the BIA complies with the aims and objectives of policy A5 of the Camden Local Plan and associated Camden Planning Guidance on Basements. Whilst some of the points raised by the local residents and associated consultants are considered by Campbell Reith to be valid, they consider that any outstanding points should be considered within the party wall award which would be required if planning permission was granted.

4.8 A key concern for local residents is that the boreholes were not site-specific and were not of sufficient depth. Campbell Reith have concluded that “Whilst it is accepted that the exploratory holes did not extend below the level of the basement and more investigation should be carried out for detailed design, in light of the known geology at the site, we are of the opinion that the site investigation data are sufficient for the purposes of impact assessment.”

4.9 Regarding the groundwater level assumed in the design, concerns are raised that the basement needs to be designed to resist the long-term pressure that will act on it and that it would be appropriate to confirm the groundwater pressure profile. The applicant considers that “an appropriate movement monitoring regime will be required as part of the Party Wall process and will be adopted to manage risk and potential damage to the neighbouring properties.” In response, Campbell Reith note that “the engineer for the scheme (Mason Navarro Pledge) has confirmed that, according to current standards, retaining wall calculations assume groundwater to be near surface to account for a worst case scenario due to possible flooding. This is conservative and the detail may be confirmed as part of the calculations for the party wall award.”

4.10 Local Plan policy A5 also states that the siting, scale and design of basements must have minimal impact on the host building and be subordinate to the host building. In assessing the scheme against criteria f-m of policy A5, the proposed basement is only one storey and it would not be built underneath an existing basement. It would not exceed 50% of the rear garden (it does not extend into the front garden). The basement would be less than 1.5 times the footprint of the host building in area in accordance with point i and would be set back from the neighbouring boundary when it extends into the garden. The basement would however be contrary to point k of policy A5 as it would marginally extend into the garden further than 50% of the depth of the garden and would lose some garden space; however this is considered a negligible amount at approximately 80cm more than 50% of the garden which is already a small amenity space.

5.0 Amenity

5.1 The Council aims to protect the quality of life of occupiers and neighbours through Local Plan policy A1 (Managing the impact of development), which seeks to ensure that development does not cause unacceptable harm to amenity, including in terms of daylight and sunlight. For developments involving new dwellings, Camden Planning Guidance (Amenity) requires Daylight and Sunlight Reports to be submitted. The applicant has submitted a Daylight and Sunlight Report with this application by Point2 Surveyors, which looks at the compliance of the development with the BRE daylight guidance (Vertical Sky Component, Average Daylight Factor and No-Sky line), and sunlight (Annual Probable Sunlight Hours). The Report analyses the impact of the development on the seven properties surrounding the site which include numbers 4, 4A, 5, 6, 7, 9 and 11 Hampstead Hill Gardens.

5.2 Daylight and sunlight levels are affected by the location of a proposed development and its proximity to, and position in relation to, the windows in nearby properties. The most affected windows by the development would be the side windows of number 6 Hampstead Hill Gardens and the rear windows of number 4A Hampstead Hill Gardens. The Daylight and Sunlight Report highlights that, whilst there would be some loss of light as a result of the proposals, the affected rooms in neighbouring properties have more than one window and light source. The report highlights some losses for the ground and first floor flats at number 6 Hampstead Hill Gardens; however these would be losses to a kitchen/diner room which have more than one window serving those rooms. Similarly for number 4A Hampstead Hill Gardens, the most affected windows would be a bedroom adjacent to the application site. This is a dual aspect bedroom with a window at the front as well as at the back. The living room at ground floor level of number 4A Hampstead Hill Gardens also has more than one window serving the room.

5.3 All 7 assessed properties will experience small changes in VSC (daylight) and/or NSL (daylight) and/or APSH (sunlight) as a result of the proposed development. However, whilst there would be some losses to the adjacent properties, these would be minor and not to an unacceptable level. The availability of direct sunlight to the majority of surrounding gardens throughout the year, particularly during the summer months, when they are most likely to be occupied, would be retained.

5.4 Due to the location of the site, orientation and distance from number 4 Hampstead Hill Gardens, the proposals would not have an unacceptable impact on the occupiers of the flats at number 4 Hampstead Hill Gardens or the dwellings opposite the site.

5.5 Whilst the impact on neighbouring residential properties in terms of loss of light is not considered to be unacceptable, the massing, height and bulk of the development at the rear would however have an unneighbourly and unacceptable impact on number 4A Hampstead Hill Gardens. It would be overbearing and cause a serious loss of outlook for the occupiers of 4A Hampstead Hill Gardens. The existing dwelling at the application site has a flat roof, which does protrude beyond the rear building line; however the additional height and bulk with pitched roof would cause a loss of outlook. It is evident from the proposed section drawing that the new dwelling would be overbearing and excessive in size, adjacent to its attached neighbour (number 4A Hampstead Hill Gardens), and would result in an increased sense of enclosure.



5.6 The proposals include no windows on the side façades therefore no loss of privacy would occur for occupiers of number 6 Hampstead Hill Gardens or 4A Hampstead Hill Gardens. There is around 23sqm between the front façade of the proposed development and the nearest houses opposite the site. The proposals would not give rise any unacceptable impact on these building in terms of overlooking. Whilst there would be additional windows on both front and rear facades, the use of the building as a dwellinghouse would remain the same and therefore the development would not give

rise to any further intensive overlooking than the existing situation. Camden Planning Guidance (Amenity) sets out that “where there is an existing street or public space, this space is considered to already provide an adequate separation between properties”.

5.7 The proposals are considered to have an adverse impact on the amenity of number 4A Hampstead Hill Gardens in terms of loss of outlook contrary to policy A1 of the Camden Local Plan and policy DH1 of the Hampstead Neighbourhood Plan.

6.0 Residential Standards

6.1 The proposed replacement dwelling would provide a good standard of living for future occupiers in terms of size, layout, orientation and outlook, plus amenity and storage space. It would be a dual aspect home and would exceed the Nationally Described Space Standards for a 4-bedroom house.

7.0 Trees

7.1 The proposals would involve the removal of a small cherry tree from within the front garden of the dwelling. An Arboricultural Report has been submitted with the application by Lockhart Garratt. The tree is a sapling and is therefore too small/young to appear on the tree survey. If the proposals were considered acceptable then a replacement tree would be secured by condition.

7.2 Concerns have been raised from neighbouring properties regarding the beech tree located in the garden of number 6 Hampstead Hill Gardens. The impact of the scheme on the trees to be retained on neighbouring sites will be of an acceptable level as the incursion into root protection areas is minimal. If the proposals were considered acceptable then a suitable planning condition would be added to the decision notice which ensured that the works were carried out in accordance with the recommendations of the Arboricultural Report. A number of tree protection measures would be required, were the application considered acceptable, which would protect trees located offsite.

7.3 In addition, a further condition would be required which asked for details of proposed landscaping to be provided and agreed in writing with the Local Planning Authority prior to the commencement of development, and for the works to be completed in a timely manner.

8.0 Transport

8.1 Policy T1 promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 requires all new residential developments in the borough to be car-free. Paragraph 5.12 of the Transport CPG states that all homes in new developments must be car-free. Exceptionally where existing occupiers are to return to the property after it has been redeveloped, the Council will consider allowing the re-provision of parking available to them. The owners and residents of this site intend to return to the property after it is redeveloped. As a result the Council will consider temporarily relaxing the car-free requirement in respect of that dwelling for the period over which that occupant resides at the property.

8.2 For this site, car parking is re-provided in front of the house but would be reduced by one space and therefore, if the proposals were otherwise considered acceptable, a legal agreement would secure the new dwelling as car-capped (i.e. occupiers can park on site but are not able to apply for resident's parking permits); however, as the same occupiers will be returning, they will be able to apply for a temporary exemption for the period during which they occupy the property and the property would then be car-free to any future occupiers. A mechanism set out in the Section 106 agreement will require returning owner occupiers to provide evidence that they intend to continue to occupy their home as their principal residence before any temporary relaxation of car-free status can take place.

8.3 In accordance with policy T1 of the Local Plan cycle parking facilities should be provided onsite. The London Plan requires the provision of 2 cycle parking spaces for a single family dwelling. The Hampstead Neighbourhood Plan (policy TT4) requires that all residential developments with three or

more bedrooms should include in their design at least three cycle parking spaces. In this case, a secure and fully enclosed cycle parking space in the front garden is shown and would be able to accommodate at least two bicycles. If the proposals were considered acceptable, then the bicycle store and evidence that three bicycles could be accommodated as well as details of the adjacent refuse store would be secured by condition.

9.0 Construction Impact

9.1 Policy A1 of the Local Plan states in para 6.12 that 'Disturbance from development can occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.' This is in accord with policy BA3 of the Hampstead Neighbourhood Plan. It is considered that in this case a Construction Management Plan (CMP) would be required, in the light of the location and constraints of this site, near to listed buildings.

9.2 As a result a CMP prepared by Knight Build Ltd has been submitted alongside this application. The Construction Management Plan (CMP) and a CMP implementation support contribution of £3,136 would need to be secured as Section 106 planning obligations in accordance with policy A1 of the Camden Local Plan. The CMP is designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also off site, particularly on the public highway, in order to minimise as far as reasonable the detrimental effects of construction on local residential amenity and / or highway safety on the nearby roads.

9.3 In addition, the Council would also seek to secure a highways contribution for repairs to the public highway directly adjacent to the site as a section 106 planning obligation in accordance with policy A1. This would be for a like-for-like replacement of the footway and crossover as a result of any damage caused by demolition and construction.

9.4 As the proposals require the excavation of ground and the construction of the proposed extension immediately adjacent to a public highway (the footway of Hampstead Hill Gardens), it will be necessary to secure an Assessment in Principle (AIP) contribution 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.

10.0 Sustainability and energy

10.1 Policy CC1 requires development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation; and Policy CC2 requires development to be resilient to climate change. An Energy and Sustainability Statement has been provided with the application.

10.2 Firstly, in terms of energy requirements, the Energy section of the submitted Statement demonstrates that the proposed development would follow the Energy Hierarchy of Be Lean, Be Clean and Be Green in order to reduce CO2 emissions. The report identifies the various energy efficiency measures that would be used including PV panels on the roof of the dwellinghouse. No details of the PV panels have been included in the application; however if the proposals were considered acceptable then further details would be secured by condition.

10.3 All minor applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 19% reduction in carbon emissions below Part L of the Building Regulations, of which 20% is achieved by on-site renewable technologies. The CO2 emissions after the incorporation of the passive and active energy efficiency measures (Be Lean) would be 30% lower than a Part L1A compliant development. The application demonstrates a 42% reduction in CO2 reduction below Part L of the Buildings Regulations 2013.

10.4 If the proposals were considered acceptable then a condition would be added which will required that the development achieves a maximum internal water use of 110 litres/person/day. Permeable

paving in front of the dwelling surface and Sustainable Urban Drainage systems are proposed which are welcomed and would also be secured by condition.

11.0 Community Infrastructure Levy (CIL)

11.1 The Council's CIL and the Mayoral CIL would be payable for the proposed development. The applicant would likely be able to deduct the demolished floorspace from the new floorspace.

12.0 Recommendations

12.1 It is recommended that planning permission is refused for the following reasons:

- 1) The proposed replacement dwelling, by virtue of its excessive height, bulk and scale, would have a detrimental impact on the character and appearance of the streetscene and Hampstead Conservation Area and the setting of nearby grade II listed buildings, resulting in 'less than substantial' harm to heritage assets, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.
- 2) The proposed development, by virtue of its unneighbourly and overbearing height and massing, would result in loss of outlook to 4A Hampstead Hill Gardens, to the detriment of their amenities, contrary to policy A1 (Amenity) of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2018.
- 3) 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 policy BA3 (Local Requirements for Construction Management Plans) of the Hampstead Neighbourhood Plan 2018.
- 4) The proposed development, in the absence of a legal agreement securing an Approval in Principle, would fail to mitigate the impact of the construction 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.
- 5) The proposed development, in the absence of a legal agreement securing car-capped housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to encourage the use of sustainable modes of transport, contrary to policies T1 (Prioritising walking, cycling and public transport) and T2 (parking and car-free development) of the London Borough of Camden Local Plan 2017.