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Our ref: 2020/2609/PRE
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Planning Solutions Team
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Dear Mr Konings

www.camden.gov.uk/planning

Re: 13 Kemplay Road, NW3 5RX

Thank you for submitting a pre-planning application enquiry for the above property which was received on 05/06/2020 and a payment of £3,782.99 was received on the 10/07/2020. A virtual meeting was carried out on 11th August 2020. Revised plans were received 29/10/20.

1. Proposal

Demolition and erection of a two storey (plus basement) and roof level single family dwelling house.

2. Site description

The application relates to a single dwellinghouse at the end of a small terrace on the south side of Kemplay Road. The house forms part of a group of two-storey, post-war houses bookended by larger and grander 19th century Victorian dwellings. The terrace is split by a driveway leading to the rear of the Grade II listed Rosslyn Hill Chapel.

The site lies within sub-area 3 of the Hampstead Conservation Area and the terrace is considered to make a neutral contribution to the character and appearance of the conservation area. The terrace is not covered by the Article 4 Direction for the wider Hampstead Conservation Area. It is also located in the Hampstead Neighbourhood Plan Area.

3. Relevant planning history

2014/7433/PRE –Erection of 2 semi-detached dwellings following demolition of existing house – **Advice issued 18/01/2016**

2015/4373/P– Erection of a 2 storey plus basement dwelling following demolition of existing house. **Granted 121/08/2018**

4. Relevant policies and guidance

- National Planning Policy Framework (2019)
- London Plan (2016)
- Draft London Plan intend to publish (2019)
- Camden Local Plan (2017)

- G1 Delivery and location of growth
- A1 Managing the impact of development
- A3 Biodiversity
- A5 Basements
- CC1 Climate change mitigation
- CC2 Adapting to Climate Change
- CC3 Water and Flooding
- CC4 Air Quality
- CC5 Waste
- D1 Design
- D2 Heritage
- H6 Housing Choice and Mix
- H7 Large and Small Homes
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development

- **Supplementary Guidance**

- 2019**

- CPG Access for all
 - CPG Air quality
 - CPG Altering and extending your home
 - CPG Design
 - CPG Developer contributions
 - CPG Energy efficiency and adaptation
 - CPG Interim Housing
 - CPG 2 Housing (May 2006 Updated march 2019)
 - CPG Transport
 - CPG Water and flooding

- 2018**

- CPG Amenity
 - CPG Biodiversity
 - CPG Town centres

- **Hampstead Conservation Area statement (2001)**

- **Hampstead Neighbourhood Plan (2018)**

- Policy DH1 Design
- Policy DH2 Conservation areas and listed buildings
- Policy NE2: Trees
- Policy NE4: Supporting biodiversity
- Policy BA1: Basement Impact Assessments
- Policy BA2: Basement Construction Plans
- Policy BA3: Construction Management Plans
- Policy TT4: Cycle and car ownership

5. **Assessment**

The planning considerations material to the determination of this application are as follows:

- Background/ Principle of demolition
- Plans/information provided
- Siting, scale and design, and impact on the conservation area

- Quality of accommodation
- Affordable housing contribution
- Impact on neighbours
- Basement considerations
- Trees
- Transport
- Energy and sustainability

Background/ Principle of demolition

The principle of demolition and replacement with a single family dwellinghouse was established under planning ref. 2015/4373/P.

The terrace (5-21) is identified in the conservation area statement as making a neutral contribution to the conservation area. The post-war design is of no particular architectural merit, and although part of the character of the conservation area is derived from its rich mix of building types, the loss of no. 13 is not considered harmful to the character or appearance of the conservation area as long as a suitable high quality replacement is proposed of appropriate scale, form and design.

The scheme previously granted on site (Ref. 2015/4373/P) attracted a lot of local interest and went through multiple revisions before it reached a scheme officers could support.. It is a constrained site which had to respect views of the church and character of the street and conservation area.

The approved scheme took on a conservative design approach, following the architectural vocabulary of the existing 1950s houses in the terrace. It was considered to have achieved the site's maximum floorspace, as well as bulk and height. It is also respected and kept a framed view to the church.

You are advised any development on this site will need to take account of the setting of the grade II listed building but it also needs to complement the existing terrace and buildings on the adjacent terrace, as well as the wider conservation area context.

Plans/information provided:

No elevations were provided, only partial 3D street images at an angle and floor plans. The rear of the development is not visible in any of the images provided. The scheme was revised following the pre-app meeting and elevations and sections were requested. This was still not provided in the revised drawing pack received so the pre-app response is limited to the information provided. You are advised that elevations/sections could change the outcome of the advice below.

The CGI/3D images appear to be misleading, true elevations and sections are required to properly assess its scale/bulk/relationship and to compare it with the consented scheme. It is difficult to compare scale without scaled drawings or an overlap of the existing, consented and proposed scheme. This was requested following the meeting and was not received. This overlay of schemes should be provided if an application is submitted in the future.

There are also concerns that the proposed floor plans are not scaled correctly, the approved scheme shows the adjoining neighbour's property being 7.8m deep while the proposed shows it as 7.5m. Extra care should be taken to ensure the dimensions are accurate on all plans.

Little detail is given in the pre-application pack regarding materiality and the façade design, so the Council is unable to comment fully on this aspect. Further information was requested following the meeting but was not received.

Design and heritage

Policy

The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; the quality of materials to be used; and the character and proportions of the existing building. Policy D2 additionally states that the Council will only permit development within conservation areas that preserves or enhances the character and appearance of the area.

CPG Design recommends that development should respond positively and sensitively to the existing context and integrate well with the existing character of a place, building and its surroundings.

It further adds that 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; and
- 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

Policy DH1 of the Hampstead Neighbourhood Plan states that development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported. Policy DH2 states that new development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas. In addition development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the conservation area

Assessment

Scale/Design:

It was noted that the scheme granted on site previously took on a conservative design approach, following the architectural vocabulary of the existing 1950s houses in the terrace as much as possible whilst also providing the biggest floor area and volume possible under tight constraints in a very sensitive location adjacent to and framing views of the rear elevation of Rosslyn Unitarian Chapel.

Both proposals put forward in this pre-app do not preserve or enhance the character and appearance of the Hampstead Conservation Area and would not be supported at application stage.

1)Original proposal

Issues

- Appears as a bold architectural statement and is unlikely to address the context, including the red brick of adjacent houses.
- Inappropriate design – appears disjointed in terms of its architectural style
- Images show it is proposed to add a sizeable three-storey return wing at the back of the proposed replacement building which will provide a much longer flank wall than consented and as such will be over-dominant in views from Kemplay Road, having a significant negative impact in such views and the setting of the rear of the chapel.
- Over prominent, dominant and incongruous roof form
- Not sympathetic to church, street or Conservation area
- ‘Book-end’ concept not appropriate in this location – does not sit comfortably or respect the church setting as existing terraces are simple and low rise.
- Statement building not supported

The proposed building uses an architectural vocabulary which is of a contemporary style with a strong vertical emphasis. This is not only in the articulation of the facades, but also in terms of the overall form which is jarring because it is boxy and takes a stepped approach including a third storey at roof level which steps forward of the pitched roof of the terrace and is visible in long views up and down the street. It departs from the consented scheme which has a stepped pitched roof, designed to carefully blend with the existing roof form of the terrace and which steps down to preserve views of the chapel. The consented building also has a stepped building line, so that the southern two-storey section of the building is slightly recessed from the main frontage of the terrace to render it subservient. Rounding the corner of the two storey element of the currently proposed building does not mitigate the impact of a continuous front building line and bulky roof extension, and furthermore the curved corner does not sensitively reference buildings in the vicinity.

The pre-application document talks about a book-end building, suggesting that the existing terrace needs finishing off with an architectural statement. This is a misguided approach as not only does the existing terrace sit comfortably against the backdrop of the church (mainly because the houses are low-key and not especially tall), but this site is not a site requiring a statement building rather a mild-mannered building which will blend in with the setting rather than stand out as a potential landmark.

The book-end form proposed is not considered to work here, and a more low-key building sitting within the envelope and roof form of the consented scheme should be considered instead. This site would not support a statement building of a generally rectilinear form, clashing with the style of adjacent buildings, dominating longer views, and over-competing with the 19th century chapel behind.

Although a full site plan and sections have not been provided, it appears that a larger rear sunken terrace and front lightwell are also proposed.

The new owner is strongly encouraged to work with the scheme which has been approved, only changing small design details, this could potentially be done through a Minor Material Amendment (S73) application.

b) Revised scheme:

Following the meeting, a revised scheme was provided, but some of the points raised above are still relevant and have not been addressed.

The approved scheme provided a floor space of 245sqm and the pre-app scheme seems to provide 267.1sqm of internal floorspace. The floor plans show that the building will project forward of the terrace's front building line which would not be supported. It would have a wider and deeper footprint than the consented scheme with a bulky incongruous rear roof extension at second floor. Without the requested full site plan and sections, it is unclear but it appears that a larger rear sunken terrace and front lightwell are still proposed.

The replacement dwelling is still a 'book-end' design which remains inappropriate for this location, as well as the side extension and bulk at the rear of the property.

Issues:

- Side extension/double height side basement element:
 - Is not supported in principle as it more than doubles the width of the existing dwelling and does not appear as a subordinate feature but rather an incongruous and out of character addition to the modest terrace. There are also concerns that its scale and location negatively impacts on the setting of the listed church. It is advised that this element is removed.
 - This element appears too bulky and results in the building occupying the full width of the plot
 - There are concerns that it will read as a standalone addition which does not compliment the terrace or views of the listed Church from Kemplay Road with its full feature elevations. Views to the church need to be carefully considered□
 - For the reasons stated above the side extension was removed from the previously consented scheme
- Roof:
 - In the side elevation of the 3D image this appears bulky and wider in comparison to neighbours and appears to be pitched at the front but a full storey to the rear
 - unusual shape/bulk at 2nd floor dominates the terrace and has a poor relationship with the host property and wider terrace. This would not be supported in principle for its bulk and detailed design.
 - It reads from rear as a full storey rather than as a subservient dormer window to the main roof.
 - A modest rear dormer would supported as with the approved scheme but not massing of this scale
 - The stepped roof aspect to accommodate a slightly wider building in the previously approved scheme has been lost, the roof appears as one mass rather than reading as a building with a recessed two storey side extension
- Ground and 1st floor:
 - Significantly oversized in comparison to the adjoining terrace
 - The curved corner appears at odds with the dwelling and the entrance would not respect the character and appearance of the adjoining terrace.
 - It is advised that the depth of dwelling at the rear at ground and first floor should not be any deeper than the consented scheme..
- Basement:
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 - As there are openings in the rear elevation a large external rear lightwell is likely to be required which will create a big gulf between the rear of the house and the back garden,

which is considered out-of-keeping with the character of the conservation area and not in line with the treatment of other properties in the terrace.

- A full site plan and sections would be required to show the extent of the rear lightwell and the height of the building.
 - Floor plans do not show how the kitchen will be accessed as there is no internal door
 - The proposed front basement lightwell is larger (2.8m wide x 1.5m deep) than the one approved (2.4m wide x 1.9m deep). It is advised that larger lightwells than those already granted would not be supported as there is no precedent for large front lightwells in the terrace. Its size also creates concerns about light pollution.
 - It appears significantly oversized as it occupies the front width of the plot and the front garden. A basement of this scale would not be supported. Please see the basement section for a more detailed analysis.
- Elevations:
 - It is not possible to assess the impact of the design at the rear as no proposed scaled drawings have been submitted.
 - Floor plans appear to indicate that there could be a double height window at ground/basement but elevations are required to clarify The full impact/view of the development is obscured by trees, it is advised that this is removed from the true elevations to allow for a fuller assessment
 - The removal of the proposed side windows could help improve the design, as they are considered that they have the effect of turning attention to the church and addressing a rear access path which harms its setting and the conservation area.

Quality of accommodation

The proposal exceeds the minimum floor standards. It would provide 267.1sqm of floorspace and 3 bedrooms. Without full elevations and sections, the Council cannot comment on access to daylight, outlook or privacy. Although a dwelling with a high amenity standard could be reasonably achieved on site.

Without a detailed site plan or sections the quality of the assumed rear lightwell cannot be assessed in terms of light and outlook for its impact on the habitable rooms proposed at basement level.

Affordable housing contribution

Policy H4 (Maximising the supply of affordable Housing) seeks to secure affordable housing contributions in certain circumstances it is not considered applicable here. The policy only requires a contribution from developments that provide one or more additional homes *and* more than 100sqm of additional residential floorspace, so although there would be an uplift of more than 100sqm of residential floorspace, the development replaces an existing dwelling and therefore does not provide any additional units.

Amenity impact on neighbouring properties

Local Plan Policy A1 and CPG Amenity seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

There are concerns that the bulky rear upper floor elements could result in loss of light or outlook to the adjoining properties. However without elevations or a daylight/sunlight report the Council is not able to comment in more detail. It is advised that the depth of dwelling at the rear at ground and first floor should not be any deeper than the consented scheme and the bulk at 2nd floor would not be supported.

It is noted that the approved scheme had no side windows above ground floor level and those proposed at 1st and 2nd floor would serve habitable rooms. Care should be taken to ensure that these would not result in loss of privacy or overlooking.

There are also concerns that the proposed front and rear lightwells and circular rooflight on the side element would result in significant light spill and care should be taken to minimise their scale to avoid this.

Basement considerations

The proposal involves the creation of a basement with a front and assumed rear lightwell (given the rear fenestration at basement level).

Policy A5 of the Local Plan states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a) neighbouring properties;
- b) the structural, ground, or water conditions of the area;
- c) the character and amenity of the area;
- d) the architectural character of the building; and
- e) the significance of heritage assets.

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

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

A full proposed site plan and sections showing the basement element has not been provided to make a full basement, but there are severe concerns that the proposed basement would not comply with the criteria above.

The basement proposed does not comply with the criteria above and fails on the following:

- c) It appears that it will occupy the full width of the plot/side garden
- d) It is more than 1.5 times the footprint of the host property
- g) It is not set away from the neighbouring boundaries
- h) It results in significant loss of garden space

The Council will require applicants to demonstrate that proposals for basements:

- a) maintain the structural stability of the building and neighbouring properties;
- b) avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- c) do not harm the structural stability of the host building, neighbouring buildings or the water environment in the local area;
- d) avoid cumulative impacts;
- e) do not harm the amenity of neighbours;
- f) provide satisfactory landscaping, including adequate soil depth;
- g) do not harm the appearance or setting of the property or the established character of the surrounding area;
- h) protect important archaeological remains; and
- i) do not prejudice the ability of the garden to support trees where they are part of the character of the area.

The application site is located in an area subject to underground development constraints, including slope stability and subterranean (groundwater) flow. Given this, you are advised to thoroughly examine the requirements of Policy A4 of the Local Plan and the Basement CPG prior to submission. The development would require a comprehensive and accurate Basement Impact Assessment to be submitted with the formal application demonstrating no significant harm to the application site, neighbouring sites or those surrounding. Please refer to the Basement CPG for details of what information the BIA must cover.

Independent verification of Basement Impact Assessments, funded by the applicant, is now also required. Please note that the Council's preferred provider for the audit service is Campbell Reith. When an audit is required, Campbell Reith charge a fixed fee dependant on the category of basement audit, outlined in appendix A of Camden's BIA audit service terms of reference.

Policy BA2 of the Hampstead Neighbourhood Plan requires a Basement Construction Plan to be submitted when demonstrated as necessary by the BIA for a basement proposal. It should include information, including drawings, which illustrate how the construction will overcome any potential harm to neighbouring properties, the water environment, ground conditions and stability, the character and amenity of the building or wider area, the significance of heritage assets, or any other identified potential harm.

Policy BA3 of the Hampstead Neighbourhood Plan requires proposals for basement development should be accompanied by a Construction Management Plan which includes adequate information to assess the impact of the construction phase, should the proposal be approved.

Trees

There are mature trees present on the site's northern boundary and adjacent to the site's eastern boundary in the neighbouring Rosslyn Hill Chapel car park. No arboricultural report, tree survey or tree protection plan has been submitted so no comment can be made at this stage. A report and protection plan should be submitted with the application.

Transport

Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and design requirements outlined in CPG Transport. No cycle parking is provided on the plans but the Council would expect a new build to provide accessible cycle parking facilities on site.

Whilst not shown on any of the plans, the pre-app document states that cycle parking will be provided within the front garden landscaping proposals. Hampstead Neighbourhood Plan requires residential developments with 3 or more bedrooms to provide at least 3 cycle parking spaces. Details of the proposed cycle parking should be included with any future application and their provision would be secured by Condition.

The site does not currently benefit from any on-site car parking facilities and none are proposed. Policy T2 of the Local Plan requires all new development in the borough to be car free regardless of PTAL rating. For car free developments, the Council will not issue on-street parking permits and will use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits.

The previously consented scheme (ref. 2015/4373/P) was secured as parking permit-free by means of a Section 106 Agreement. As such, any future application of this nature should be secured by means of a Section 106 Agreement with carefully worded clauses which secure existing parking rights to the existing owner occupiers if they intend to return to the property once built but prevent any future owners or occupiers from being able to apply for permits.

A construction management plan (CMP) and a CMP implementation support contribution in accordance with Local Plan Policies A1 and T4 would be secured for this type of development. The proposed new house includes an extensive basement which extends eastwards into the side garden beyond the line of the previously consented scheme. As the proposed demolition, excavation and construction works are expected to take place over a protracted period of time in a sensitive residential area, it is considered necessary for any future application of this nature to secure a Construction Management Plan and associated Implementation Support Contribution of £3,136 and Impact Bond of £7,500 by means of a Section 106 Agreement.

We would seek to secure a highways contribution to allow the Council to repair any damage to the public highway in the general vicinity of the site in accordance with Local Plan Policy A1. This would be calculated at application stage. This planning obligation would be secured via a legal agreement if planning permission is granted.

Energy and sustainability

In line with policy CC1 all new residential developments will be required to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations.

In addition, all schemes must consider sustainable development principles from the start of the design process and include these in their Design and Access Statement or a Sustainability Statement. All proposals involving substantial demolition of a building should demonstrate why it is not possible to retain and improve the existing building. All proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building.

All development should adopt appropriate climate change adaptation measures such as:

- a. the protection of existing green spaces and promoting new appropriate green infrastructure;
- b. not increasing, and wherever possible reducing, surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems;
- c. incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and

d. measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

6. Conclusion

- Full elevations, sections and accurately scaled floor plans are required for a more detailed assessment.
- Development needs to consider the grade 2 listed church setting and complement the existing terrace and buildings on the other side of the rear entrance to the chapel, as well as the wider conservation area context.
- Maximum floorspace/scale has already been achieved on site in the approved scheme.
 - Bulk and mass results in overdevelopment and is not supported
 - Cannot extend beyond envelope of consented scheme and an overlap would be useful to accurately compare
- Building should follow the pattern of development and stepping roof form
- Extensive basement and double height side element is not supported in principle
- A book-end form does not work here, and a more low-key building sitting within the envelope and roof form of the consented scheme should be considered instead. This site is considered unsuitable for a statement building of a generally rectilinear form on the grounds that it clashes with the style of adjacent buildings, dominates longer views, and over-competes with the 19th century chapel behind.

You are strongly encouraged to work with the scheme which has been approved, only changing small design details potentially as minor amendments in the planning process.

7. Planning application information

If you wish to submit a planning application, please ensure that the following is provided:

- Completed form
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and Access statement
- Daylight and sunlight report
- Basement Impact Assessment
- The appropriate fee
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. We would notify neighbours putting up a notice on or near the site and, advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received. You are also advised to contact your neighbours, the Hampstead Conservation Area Advisory Committee and the Hampstead Neighbourhood Forum prior to submission, to discuss the proposals.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Sofie Fieldsend on **020 7974 4607**.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Sofie Fieldsend

**Planning Officer
Planning Solutions Team**