

Planning Application: 2020/2087/P - 31 Daleham Gardens London NW3 5BU (LB of Camden)

1. Seven months after this application was registered it remains premature. It should be withdrawn and re-submitted as part of a full planning application for 31 Daleham Gardens' rehabilitation or redevelopment, accompanied by detailed plans
2. For the council to grant permission for the present application would be for it to ignore several of its own planning policies – which would be irrational and perverse. The council would apply its policies to the application if it had been made by any developer other than itself. It needs to be seen to be acting fairly and without partiality or bias.
3. If the council grants permission it will have passed up, voluntarily and deliberately, the opportunity to put its climate change and heritage conservation policies into action. It will lose the opportunity to set an example of best practice in this difficult field. Doing so would serve little purpose, if any, and none which has been demonstrated. Applying its policies, the existing building's external walls would be retained as part of a building the interior of which would be entirely re-constructed, meeting the highest feasible environmental standards in accordance with Local Plan policy CC1 and applying Local Plan para.s 8.16 - .17. This might or might not deliver the number of flats targeted by the plan approved by the council's cabinet 16/9/20: plans have not been prepared based on the walls' retention. There is also reason to doubt whether the cabinet's approved plan is in fact feasible and whether planning permission will be granted for a scheme which would deliver this number of flats
4. It will of course be too late if, after granting permission for the existing building's demolition and after it has been demolished, it is found that it is not possible to prepare detailed redevelopment plans which are acceptable
5. It is Local Plan policy to resist granting permission for the total or substantial demolition of a building in a conservation area. Policy D2 applies still more strongly in the case of a building which has been assessed by Historic England even "in its altered state", as 31 Daleham Gardens has been, although this is glossed over in her comments by the council's Conservation Officer (uploaded to the planning website after expiry of the consultation period), as making a positive contribution to it. Although also not mentioned by the Conservation Officer, 31 Daleham Gardens' contribution is enhanced by its 'group value': it is one of 12 houses in a small area within the conservation area, the roads which surround the site of the former

Rossllyn House all having the same architect, Horace Field (Field is not even named). As a group these houses contribute very significantly to the Arts and Crafts character of this enclave. (nor is no.31's local history interest mentioned. It was commissioned by and built for Annie Ridley, a founder and long-time trustee and governor of Camden School for Girls (Mary Gurney, *Are we to have education for our middle-class girls?: or, the History of Camden Collegiate Schools* (1872))

6. It is also Local Plan policy to require all development to minimise the effects of climate change (and indeed article 14 of the council's constitution imposes the same or a very similar requirement). Policy CC1 (e) requires all proposals which involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building (and this requirement must by definition apply still more forcefully in the case of a proposal for total demolition). So far from satisfying this condition the application documents actually include a structural engineering report which demonstrates the reverse: it expressly states that it is, or at least may be, possible to retain no.31's external walls (reports by Lucking & Clark, September and October 2020, para. 3.1 (September) para.2.5 (October)). Local Plan para.s 8.16 reminds that,

The construction process and new materials employed in developing buildings are major consumers of resources and can produce large quantities of waste and carbon emissions. The possibility of sensitively altering or retrofitting buildings should always be strongly considered before demolition is proposed. Many historic buildings display qualities that are environmentally sustainable and have directly contributed to their survival, for example the use of durable, natural, locally sourced materials, 'soft' construction methods, good room proportions, natural light and ventilation and ease of alteration.

7. We note that while the council has obtained an Air Quality report from Arup, one of the leading firms of structural engineers etc., it has not asked Arup or any other structural engineer specifically to investigate the feasibility of retaining the external walls (the Lucking & Clark reports have been prepared not for the council but for Pristine London, a building firm). Whymark Moulton's reports are coloured and slanted by their terms of reference, "to justify demolition" and are not the result of an objective, professional investigation
8. It is also Local Plan policy not to grant permission unless satisfied that there are acceptable detailed redevelopment plans (*Local Plan (2017)*, para.7.51). The present application is for permission to demolish, only. The application is not part of an application for the re-development of the site of the existing house and no application has yet been made for planning permission for its redevelopment

9. The 'project plan' approved by Camden's cabinet on 16/9/2020 does not include a redevelopment plan and cannot be treated as doing so
10. The 'Feasibility Study' dated 16/6/2020 by Mary Duggan architects, which is not the subject of a planning application and which has not been the subject of public consultation (it was not even uploaded to the planning website [i.e. for the purposes of the present application] until 27/11/20, after the expiry of the consultation period), is not acceptable in planning terms (nor, for example, do the Conservation Officer's comments refer to it). Nor in any case is it the subject of a planning application – a grant of permission for the present application cannot carry with it permission for the Mary Duggan scheme. The Feasibility Study is therefore not a material consideration to be taken into account and is completely irrelevant for the purpose of determining the present application – to treat it as relevant would be to by-pass the planning process. The council cannot therefore be satisfied by it in accordance with Local Plan para. 7.51 that there are detailed redevelopment plans which are acceptable
11. Contrary to what is suggested by the application documents it is completely uncertain for how long, if permission is granted, the site would remain void, with a negative impact on the conservation area. The cabinet-approved project plan is that redevelopment should be by a Housing Land Trust but a satisfactory candidate HLT has not yet been identified and, as an entirely new and untried type of entity, it cannot be known when or even if one will be.
12. Further, the council is not in any case ready or able to transfer the site to a HLT (or to any potential purchaser) : it does not have vacant possession and to gain this may have to exercise compulsory purchase powers. Nor has to which the council could transfer the property
13. And further, the restrictive covenant on the council's freehold title which forbids use of the site of 31 Daleham Gardens as flats, maisonettes or other lodgings causes further uncertainty (reproduced in the *Appendix* to the Mary Duggan Feasibility Study, p.29). It is doubtful whether a HLT or other purchaser intending to develop the site as flats will be willing to proceed although its title would be subject to such a restriction
14. If it is assumed that the council will succeed in transferring the property, further delay must result from its doing so without having granted planning permission for a redevelopment scheme.

APPENDIX

A note on The 'Feasibility Study' dated 16/6/2020 by Mary Duggan architects (uploaded 27/11/20)

1. Mary Duggan's 'Feasibility Study' sets out to show how, assuming 31 Daleham Gardens' demolition, its site could provide 14 homes. It is seriously doubtful that planning permission could be granted for the scheme
2. Before the fire, in which one person lost her life, no.31 was in use as 11 self-contained units (bed-sits): report to cabinet (September 2020). There does not seem to have been planning permission for this. The 'Planning History' provided by an application document refers only to a 1944 permission for no.31's conversion to create one maisonette (on the ground and lower ground floor) and 2 flats (on the upper floors) (Whymark Moulton, *Heritage Statement*, para.3.15). Later approvals were for physical alterations but not for change of use
3. The Study's proposal to provide 14 flats involves a very large increase in the building's size: (1) a more than doubling of its NIA sq.m from 448.5 to 968; (2) substantial extension of the existing building's footprint on the south and west sides, reducing the size of the garden and blocking views from the street to the green space beyond; (3) all elevations would be straight and flat; (4) roof levels would be raised. No.31's present street/front elevation is split level, with a narrow gable fronting onto the street and the main roof extending backwards away from it. In place of this there would be a single roof ridge from one side of the front elevation to the other, parallel to the road and all at the same height, with a shortened roof slope. The roof behind this, covering the greater part of the building, would be raised by a full 2 storeys and would be flat; and (4) substantial excavation to create a new enlarged 'ground floor' level (*sic* but in fact a lower ground or basement level).
4. The impact on no.31's external appearance would be dramatic. The Mary Duggan Study scheme proposes a uniform, flat-fronted, straight-sided, strictly rectangular and mainly flat-roofed building in place of the existing "in-and-out" detail of the present Arts & Crafts elevations and varying roof heights. The mostly flat roof, a uniform four storeys high, coupled to the proposed flat, straight elevations, would result in a monolithic, bulky block with the character more of a factory on an industrial estate than a residential building in a conservation area.
5. No.31 occupies a prominent position in the streetscape owing to its elevated position near the top of Daleham Gardens, which runs straight up the side of Hampstead hill. The mainly flat roof profile would be in full view from Daleham Gardens, both from higher up and lower down the road, and also from Akenside and Wedderburn Roads
6. The proposal involves departing from or disregarding a number of Camden's planning and conservation area policies.

7. Mary Duggan proposes balconies on three floors of the front elevation, facing directly onto Daleham Gardens. Balconies are not typical or appropriate within the conservation area
8. Mary Duggan's proposals do not include window details. It is not possible therefore to comment on their acceptability but the provision of balconies on the front elevation necessarily carries with it the need for access. High level doors conspicuous from the street are not appropriate in the conservation area
9. overall, the Study involves significant impoverishment of architectural detail resulting in an out-of-character building which would neither preserve nor enhance the conservation area. Mary Duggan's drawings make no concessions to the council's supplementary Planning Guidance *Design* (March 2019) which *inter alia* emphasises the importance of attention to detail and the preservation of the gaps between buildings and of the views through these to the green spaces behind them. The enlarged building footprint, four storeys high, significantly narrows the gap between no.31 and 31a and would involve the total loss of the view between them through to the rear.
10. Mary Duggan's proposals do not provide any off-street parking nor on the other hand propose that the development would be car-free. Allowing 14 households, including four 2-bedroom and four 3-bedroom units, residents parking rights would add significantly to parking pressures in the locality. These are already elevated by (1) the council's development of 48 – 52 Fitzjohn's Avenue (onto which no.21 backs) as 14, 4-storey houses, the approved plans for which included an underground garage but which was not constructed. The position is made worse because residents cannot use 48-52's extensive off-street space adjacent to Fitzjohn's Avenue for parking. The result is that residents park in the side streets and in Daleham Gardens: (2) other recent planning decisions.