

# **STATEMENT OF OBJECTIONS**

**5 PILGRIMS LANE NW3 1SJ**

**RE: APPLICATION FOR PLANNING PERMISSION  
FOR ALTERATIONS AND EXTENSIONS  
(REF: 2020/4635/P)**

**Philip Davies (Heritage and Planning) Ltd  
November 2020**

## **1.0 Introduction**

1.1 Philip Davies (Heritage and Planning) Ltd have been appointed by Alan Goldberg, the owner of No 5a Pilgrims Lane, to object to the current application for planning permission for a part single / two storey rear extension at the adjacent property at 5 Pilgrims Lane (ref:2020/4635/P). The application involves the demolition of the existing single storey rear addition; an increase in height of the parapet wall of the existing two storey extension to the front elevation with associated façade / fenestration alterations to the front and rear elevations, the installation of rooflights and alterations to the hard landscaping arrangements to the front and rear elevations.

1.2 Philip Davies (Heritage and Planning) Ltd is a leading international heritage and planning consultancy providing expert advice to a wide range of public and private clients in the UK and overseas on conservation and development issues. A detailed resume of the work of the practice is attached at Appendix 1.

## **2.0 The Site and Context**

2.1 Nos. 5 & 5a Pilgrims Lane form a semi-detached pair of houses erected following the grant of planning permission dated 19 August 1954. Designed in a neo-Georgian style, both have been altered subsequently with extensions added at various dates.

2.2 The houses lie within the Hampstead conservation area close to the entrance to Pilgrims Lane from Rosslyn Hill. The conservation area was designated originally in January 1968 and extended subsequently on eight separate occasions. Immediately to the west, No.3 Pilgrims Lane is a fine grade II\* listed building designed by Horace Field as a banking hall and flats in 1895-96. Its grade II\* status means it lies within the top 8% of listed buildings in the entire country. Directly opposite at No 2 is a fine early 19<sup>th</sup> century house listed grade II. To the east, Nos 7 Pilgrims Lane and Cossey Cottage are also listed grade II, while to the rear is the grade II listed Rosslyn Hill chapel. The concentration of surrounding listed buildings and the key location of the houses within the conservation area mean that the wider setting of the houses is exceptionally sensitive.

2.3 The significance of the houses and their wider setting is further reinforced by important historical associations. The adjoining half of the pair at No 5a carries a Heath and Old Hampstead Society plaque commemorating the house as the home of the world-famous cellist Jacqueline du Pre between 1970-75. Immediately adjacent to the west, No. 3 carries a blue plaque to Sir William Nicholson, the famous painter and printmaker. In the applicant's Design and Access statement, no mention is made of these important associations which enhance the significance and sensitivity of the site. This is a conspicuous omission which is misleading.

## **3.0 Objections**

### ***Procedural***

3.1 Unauthorised works have been carried out to the front garden of No 5 without any prior consent, including the felling of a prominent tree, which formed an important part of the townscape of the conservation area, exacerbated by the removal of substantial and mature planting on the boundary with No 5a. (See Appendix II and photos showing before and after removal). The application form states that no alterations are proposed to trees on the site. This is clearly incorrect and misleading

3.2 No prior consultation was held with the owner of the neighbouring property at No 5a - either in relation to the proposed development as a whole, or more immediately in respect of the removal of the tree and the clearance of the front garden. The latter has adversely affected both their amenity and privacy.

3.3 The application is deficient. Given the extent of demolition and development and the restricted width of the access road, no structural engineering report / method statement, construction management plan or acoustic surveys have been submitted in accordance with Local Plan requirements; nor has any daylighting / sunlight analysis been carried out to assess the potential impact of the two-storey rear extension on adjacent properties. The absence of a structural engineering report / method statement is a major concern given the substantial demolition involved and the potential risk posed to the party wall between No 5 and 5a.

3.4 The submitted drawings fail to show the development in its wider context, and, in particular, in relation to No 5a Pilgrims Lane. The elevational drawings are annotated to show the neighbouring property obscured by vegetation. This is disingenuous. In addition, the sections fail to show the precise dimensions of the disparity in height between the proposed rear extensions and my client's neighbouring property at 5a.

3.5 Although the application specifically includes alterations to the landscaping at the front of the house, the drawings fail to include a landscaping plan for the front garden or the proposed boundary fence in spite of its prominent location in the conservation area. This is contrary to policy DH1 of the Hampstead Neighbourhood Plan, which requires development proposals to protect the amenity and privacy of neighbouring properties.

### ***Design***

3.6 The proposals constitute overdevelopment. No 5 has already benefitted from large extensions in the past, yet what is now proposed involves a further substantial increase in the footprint of the building by approx. 50%, including a two-storey rear extension, which is contrary to both the Council's own planning guidance on extensions and the emerging Hampstead Conservation Area statement. Both state that extensions should be no more than one storey in height.

3.7 Extensions to existing buildings in the conservation area should be subordinate to the parent building. It is relevant that when carrying out past alterations to No 5a my client worked with the classical architectural vocabulary of the house and installed sympathetic classically detailed ironwork to the frontage. This enhanced the character and appearance of the house and the wider setting of the conservation area (see photograph in Appendix II).

Conversely, the assertive modern design currently proposed for the front and rear extensions is discordant and unduly dominant at the expense of the original neo-Georgian character of this pair of houses. It undermines rather than reinstates the design integrity and balance of the two houses as a complementary, semi-detached pair.

3.8 The classical detail of the fenestration at Nos 5 & 5a with their white painted, timber windows subdivided by glazing bars is a unifying feature linking both the two houses together, and also with the wider setting and context, in particular their relationship with the grade II\* listed building at No 3, through the use of common classical proportions and materials. This can be seen in the Google maps view dated July 2019 attached to the objections raised by the Hampstead Neighbourhood Forum attached in Appendix II to this report. The proposed design using large sheets of glass in a modern idiom is incongruous and alien to the character and appearance of the two houses, the immediate setting of the adjacent grade II\* listed building at No 3 and the wider conservation area.

3.9 At the rear, the two-storey extension is contrary to the Council's policies on extensions. The design is also poor. The bulk of the two-storey rear extension is such that it collides with, and rises above, the original eaves line of the roof.

3.10 The existing large area of concrete hard standing and wide vehicular access at No 5 detracts from views of the two houses and the character and appearance of the conservation area. Until recently this was partially mitigated by mature planting in the remaining garden area. However, the unauthorised felling of the tree and clearance of the mature planting has exacerbated the detrimental impact on the townscape. No details have been presented of the proposed landscaping of the frontage. Contrary to policy, the applicant wishes to extend the hard landscaping further. This should be firmly resisted, and proposals invited for the comprehensive enhancement, improved surface treatment and soft landscaping of the front garden in line with policy DH 1 of the Hampstead Neighbourhood Plan.

### ***Policy***

3.11 The proposals adversely affect the character and appearance of the Hampstead conservation area and, as such, are contrary to S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that they neither preserve nor enhance the character or appearance of the conservation area.

3.12 The application is contrary to the following policies set out in the Council's Local Plan and the Hampstead Neighbourhood Plan.

3.13 In Managing the Impact of Development, policy A1 of the Local Plan states:

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

*a seek to ensure that the amenity of communities, occupiers and neighbours is protected;*

*c. resist development that fails to adequately address transport impacts affecting communities, occupiers, neighbours and the existing transport network.*

*The factors we will consider include:*

*e. visual privacy and outlook*

*f. sunlight, daylight and overshadowing*

*h. transport impacts*

*i. impacts of the construction phase, including the use of Construction Management Plans*

*j. noise and vibration levels*

*k. odour, fumes and dust*

**3.14 Comment:** The proposals do cause unacceptable harm to the quality of life and amenity of the adjoining owner / occupier at No 5a. The development involves the complete demolition of the house behind retained portions of the external walls. No Construction Management Plan, structural report / engineering method statement or sunlight / daylight studies have been submitted to demonstrate how the quality of life and amenity of No 5a would be protected.

3.15 Pilgrims Lane is a narrow thoroughfare. Access to both the road and the site is severely restricted. No details have been provided as to how the proposals would address the policy considerations set out above.

3.16 My client's health is frail. He has recently undergone a course of chemotherapy followed by a stint in hospital, which has rendered him particularly sensitive to the above factors, particularly noise, vibration and fumes and dust. Should permission be granted, given the anticipated noise and disturbance arising from the construction works, he would be forced to vacate the house for up to a year during the construction period.

3.17 In Open Space, policy A2 states:

*Protection of Open Spaces:*

*In order to protect the Council's open spaces, we will:*

*e. protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible;*

*f. conserve and enhance the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation area or to the setting of heritage assets;*

**3.18 Comment:**

Notwithstanding the recent unauthorised works to the garden of No 5, the front gardens of Nos. 5 & 5a make an important contribution to the conservation area and the setting of surrounding heritage assets, including listed buildings. The existing mature planting should

be reinstated as part of any alterations. Paragraphs 6.37 and 6.38 are particularly relevant to this case.

In Biodiversity, policy A3 states:

*The Council will protect and enhance sites of nature conservation and biodiversity. We will:*

*c. seek the protection of other features of nature conservation value, including gardens, wherever possible.*

*d. assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed;*

*Trees and Vegetation*

*The Council will protect and seek to secure additional trees and vegetation.*

### **3.19 Comment:**

The existing large areas of concrete hard standing in the front garden of No 5 already detract from the wider townscape setting of the conservation area. The recent unauthorised removal of a tree and clearance of mature vegetation has made matters worse. The current proposal to extend the areas of hard landscaping is specifically contrary to policy A3 above.

3.20 Policy D1 of the Plan states:

*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;*

### **3.21 Comment:**

For the reasons set out above, the proposals neither respect local context and character nor preserve or enhance the historic environment or the setting of surrounding heritage assets. In particular, the application fails to meet the checklist of requirements set out in detail in paragraph 7.2 – 7.5 of the Plan and paragraphs 7.20 and 7.21 in respect of the garden areas and trees on the site.

3.22 Policy D2 states:

Conservation Areas

The Council will:

- e. require that development within conservation areas preserves or, where, possible, enhances the character or appearance of the area;*
- h. preserve trees and open spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage;*

### **3.23 Comment**

For the reasons set out above, the development neither preserves nor enhances the character or appearance of the conservation area and fails to preserve trees and open space on the site.

### **3.24 Hampstead Neighbourhood Plan**

The Hampstead neighbourhood Forum has objected to the proposed two-storey rear extension as damaging to the neighbour's amenity and on the grounds that the application is contrary to policies DH1 and DH2 of the Plan as well as D1 of the Local Plan. We strongly endorse and share these views.

### **3.25 Hampstead Conservation Area Statement**

The Hampstead Conservation Area statement provides guidance on alterations. It specifically warns against the harm caused by hard surfaces in front gardens. It states on that:

*Alterations to the front boundaries between the pavement and properties can dramatically affect and harm the character of the Conservation Area. Brick walls and piers, railings and hedges are enormously important ... A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface.*

## **4.0 Conclusion**

This application causes demonstrable harm to my client's property at No 5a. There are sound planning reasons for the refusal of planning permission in this case.

- The development adversely affects the privacy and amenity of the adjoining property at 5a Pilgrims Lane. There was no prior discussion with my client before the submission of the application and the application drawings fail to show the development in its wider context by not illustrating the relationship between No 5 and 5a fully either in elevation or section.
- The application is clearly deficient. Given the scale of demolition and development and the restricted site context, no Construction Management Plan, structural report

/ engineering method statement, acoustic report or sunlight and daylight assessment has been submitted to support the proposals.

- Unauthorised works have been carried out in advance of the application involving the felling of a tree and the clearance of substantial mature planting from the front garden. No details have been provided for the re-landscaping of the front garden
- The proposals constitute overdevelopment involving further extensions to a building which has already been substantially extended on several occasions in the past. The proposed two-storey extension is clearly contrary to the Council's policy.
- By reason of their bulk, height, massing and design, the proposals adversely affect the amenity and privacy of No 5a, as well as the character and appearance of the conservation area and the wider setting of surrounding listed buildings.
- The proposals are contrary to policies A1, A2 and A3 and D1 and D2 of Camden's Local Plan, policies DH1 and DH2 of the Hampstead Neighbourhood Plan and specific guidance in the Hampstead Conservation Area statement. Contrary to Section 72 of the 1990 Act, they neither preserve nor enhance the character or appearance of the conservation area or the setting of surrounding listed buildings and heritage assets.

4.1 For these reasons, the Council is invited to uphold its own policies set out in the Camden Local Plan and in the Hampstead Neighbourhood Plan and to refuse planning permission for the current application for the reasons set out above

Philip Davies (Heritage and Planning) Ltd  
November 2020

## Appendix 1

### Philip Davies (Heritage & Planning Ltd)

Philip Davies MA (Cantab), DipTP, MRTPI, IHBC, FRHist. S, FRAS, FSA is the principal in Philip Davies (Heritage & Planning) Ltd, a consultancy specialising in conservation, urban design and planning issues in the UK and overseas. From 2004-2011 he was the Planning and Development Director for London and South East England at English Heritage responsible for two multi-disciplinary regional offices plus the Government Historic Estates Unit, which provided advice and guidance nationally across the entire government estate, including the occupied royal palaces, Whitehall, Defence Estates, and the Palace of Westminster. He has prepared national guidance on a whole range of heritage issues from tall buildings and heritage at risk to the public realm, the management of conservation areas and the creative adaptation of listed buildings. In this context it is particularly relevant that this includes English Heritage's *Guidance on London's Terrace Houses 1660-1860*, which provided the basis for many of the policies subsequently developed and adopted by London local authorities.

He has over 40 years' experience of managing change and development to some of England's most sensitive historic buildings and places, including in Camden. A Trustee of the Heritage of London Trust and the Euston Arch Trust, he is also Chair and founder of the newly-formed Commonwealth Heritage Forum.

A renowned international authority on the architecture and monuments of the Commonwealth and Britain's global heritage, and a founding member of the Yangon Heritage Trust, he is currently advising the governments of Myanmar, Chile, India, St Helena and Antigua on conservation and regeneration projects, and both public and private clients on a wide range of sensitive historic buildings of all types and grades in the UK.

He is the best-selling author of thirteen major books on architecture and architectural history in Britain and overseas, and many articles for both professional and popular journals. *Lost London 1870-1945*, short-listed for the prestigious Spears book prize, is one of the best-selling books on London ever published. *London: Hidden Interiors* and, most recently, *Lost England 1870-1930*, have both been published to widespread acclaim.

## Appendix II: Illustrations



Google maps -July 2019



Front garden of No 5 showing (above) tree and mature garden prior to unauthorised felling and clearance of the shrubbery and (below) the current situation.



**Nos. 5 & 5a Pilgrims Lane showing the existing unsympathetic concrete hardstanding, the recently felled tree and clearance of the mature garden detracting from the conservation area and wider setting. The simple classical detail and common use of white-painted timber windows subdivided by glazing bars are very evident unifying the two houses.**



**In contrast to the unsightly open aspect of the garden at No. 5, the mature planting to the adjacent garden of No 5a plays an important role in the townscape of the conservation area.**



**No 3 Pilgrims Lane listed grade II \* adjoining No 5.**



**Commemorative plaques on No 5a and No 3 Pilgrims Lane bear testament to the sensitivity of the wider context.**



**Working with the architectural character of the houses. Sensitive alteration of No 5a in the 1990s by the addition of a traditional, neo-Georgian ironwork canopy reinforcing the character of the building and the appearance of the conservation area.**