

Delegated Report (Refusal)		Analysis sheet		Expiry Date:	05/10/2020
		N/A / attached		Consultation Expiry Date:	22/11/2020
Officer			Application Number(s)		
Jonathan McClue			2020/3553/P		
Application Address			Drawing Numbers		
Land between Gondar House and South Mansions, Gondar Gardens, and to the rear of 1 Hillfield Road West Hampstead London NW6 1QD			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
The construction of a new three storey plus basement residential building to deliver 6 x residential (Class C3) dwellings, together with associated landscape, cycle parking, refuse and recycling storage					
Recommendation(s):		Refuse Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice				
Informatives:					
Consultations					
Adjoining Occupiers:		No. in support	15	No. of objections	39
Summary of consultation responses:	3 x site notices were displayed from 19/08/2020 and an advert was placed in the local press on 19/08/2020. The site notices were displayed:				
	<ul style="list-style-type: none">• 1 x on Gondar Gardens in front of the application site (between South Mansions and Gondar House)• 1 x in front of South Mansions on Gondar Gardens• 1 x on or near the corner of Gondar Gardens and Hillfield Road <p>Following material changes to the scheme, the application was re-consulted. This included a revised advert being placed in the local press on 29/10/2020 and new site notices put up on 13/10/2020.</p> <p><u>At least 39 written objections have been received from local residents, including on Gondar Gardens, Hillfield Road, Sarre Road, South Mansions and Greek Roads. These are summarised below:</u></p> <p><i>Design, character and appearance</i></p> <ul style="list-style-type: none">• The development looks far too dense for the space• Height, size and bulk of development unacceptable. Much higher than neighbouring buildings. Out of keeping with surround area. Frontage exceeds depth of neighbouring buildings• Overdevelopment and excessive scale• Revised design is looking very ‘boxy’• Loss of openness and relief in townscape• Scheme does not have design excellence <p><i>Impact on neighbouring amenity</i></p> <ul style="list-style-type: none">• Loss of privacy to all neighbouring houses• Overlooking issues from new development• Loss of views of green space• Loss of light• Loss of outlook and overbearing impact on neighbouring occupiers• Loss of garden space to 1 Hillfield Road <p><i>Basement/structural impacts</i></p> <ul style="list-style-type: none">• Residents of South Mansions already suffering from subsidence and sever cracking, proposals would exacerbate matters• Increased risk of flooding• Basement is not subordinate to the host building and property• Not sufficiently set in from neighbouring boundaries• Large lightwell is in breach of policy and guidance <p><i>Ecology, environmental and open space impacts</i></p>				

- Proposal would endanger natural beauty of reservoir
- Noise and air pollution
- Development would result in a permanent loss of open space with high biodiversity
- Loss of trees

Construction and transport impacts

- Not in favour of construction, been ongoing building works in the area
- Congestion on narrow road and blockages, additional traffic
- Local facilities such as doctors are already over stretched
- Strain on parking spaces

Proposed standard of living accommodation

- The accommodation spaces look far too cramped for comfortable living
- Proposed garden space is very small, getting very little sunlight

Inaccurate plans and details

- The Construction Management Plan is inaccurate
- There are misleading aspects of the application
- Dimensions and boundaries not consistent with 'Title Deeds'
- A number of errors in the Daylight Report were cited
- The CGIs/visualisations are not to scale nor to proportion
- Erroneous drawings
- Errors in other supporting documents, including Basement Impact Assessment, Flood Risk Assessment
- Boundary line is inconsistent

Other

- Lack of bin store space
- The Flat 3 entrance does not comply with buildings regulation as it does not have a sufficient landing
- Lack of consultation (by applicant and Local Planning Authority)
- Conflict with rationale for approval of application at 1 Hillfield Road
- No provision of social housing
- No wheelchair access included

Approximately 15 letters of support have been received from local residents. Their comments are summarised below:

- Proposals respond to the character and context of Gondar Gardens and the amenity of surrounding properties
- High quality architecture
- Provides much-needed new homes for the area
- Good mixture of high quality accommodation with outside space
- Full affordable housing contribution is being made
- Street tree is maintained and applicant has offered to plant additional trees
- Current gap in the street is a blight and attracts unwanted behaviour

	<ul style="list-style-type: none">• This is an underutilised space and proposal would enhance it
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<p>Gondar & Agamemnon Residents' Association (GARA) objection 10/09/2020 and 22/11/2020:</p>	<p>The development is contrary to Neighbourhood Plan policy A13 – <i>‘in order to protect the Area’s green/open spaces, the development of new dwellings in private gardens should be avoided’</i>. There is no attempt to mitigate or compensate for the loss of green space caused by the proposed development.</p> <p>GARA recognises the positive steps taken by the developer to engage with local residents and in particular the changes made to the application following a meeting held in April 2020. However, concerns about the proposed design continue and are summarised below:</p> <ul style="list-style-type: none"> • Proximity to South Mansions – residents of South Mansions object as the proposal is too close to their building and windows. Windows fail the BRE guidance • Basement size – this is significant. Camden must be satisfied that the basement impact assessment properly reflects this, and is acceptable in conjunction with the recently approved basement at 1 Hillfield Road • Insufficient setback from pavement – all the front doors and bay window sit firmly on pavement line. Contrary to Neighbourhood Plan policy A12: <i>‘Houses should be set back from the pavement’</i>. • Cumulative impact with recent developments including 1 Hillfield Road. Essential that adequate bin and cycle storage for 1 Hillfield is provided • In the event permission is granted, a number of conditions and obligations are suggested – car-free, residents’ bays, electric charging point, car-club space, Construction Management Plan and Construction Working Group, site traffic via Mill Lane <p>A follow up comment was made based on the revisions to the planning application. It stated that while the revisions show a reduction in height and the introduction of inset entrances, the previous design concept has been compromised and the impact on South Mansions has not been addressed. Concerns about the basement impact and structural concerns were reinforced.</p>
<p>West Hampstead and Fortune Green Neighbourhood Development Forum (NDF) objection 15/09/2020:</p>	<p>The NDF acknowledged that they had contact with the developers before submission of the application and they appreciate this consultation and the modifications made, which reflected some of their significant concerns. However, the scheme still conflicts with the Neighbourhood Plan in regard to the use of garden space Policy A13 and the frontage not being set back from the highway, Policy 12. They consider that the mass of the building is still overbearing in relation to the streetscape, in particular the highest block of the building, the third floor bedroom of flat 6. Should this application be approved they expect it to be car free and special attention should be paid to adherence to the approved design and regulations in the construction of the basement.</p>
<p>Thames Water comments 17/08/2020:</p>	<p>Thames Water gave guidance on surface water; groundwater discharge; water treatment infrastructure capacity and requested a condition for a piling method statement.</p>

<p>Natural England comments 21/08/2020:</p>	<p>Wrote to confirm that Natural England has no comments to make.</p>
<p>Designing out Crime Officer comments 25/08/2020:</p>	<p>No objections to the overall application. Below is a summary of the comments and recommendations made:</p> <ul style="list-style-type: none"> • Main communal entrance doors would ideally be security rated • Entry for residents should be gained by use of an encrypted FOB access control system • Recommend a 2nd line of defence for the flats should be created prior to the internal stair core • All residential units should have a security rated door set • Any ground floor window and door or ones that are easily accessible by either climbing (below Three (3) metres) and are openable or can be reached from a neighbouring building should be security rated • Ideally the use of 'Smart Meters' should be considered as this will negate the need for actual physical units being installed • Gardens at the rear should have a boundary of 1.8 metres in height and can be topped with 300mm of trellis to add extra height • Bike/Bin store should be kept separate and not have one entrance for both uses • Separate bike and bin store should be gained by use of an encrypted FOB access control system • Confused over the layout of the northern frontage of the building where it interacts with the neighbouring building. From the plans it appears there will a small gap between the boundaries which could be accessed from the public realm. If this is the case then along with the 'defensive planting' being considered at the front bay area's then 1100mm high boundary treatment/railings could be considered
<p>Councillor Lorna Russel, Fortune Green Ward objection 17/09/2020:</p>	<p>New proposal is too dense for the space, and significantly that the excavation of a basement will have a detrimental impact on residents living nearby. 6 flats is disproportional and building on a garden is contrary to the neighbourhood plan. There is serious damage to South Mansions on Gondar Gardens already, concerned that the construction of a basement next door will cause irreparable damage. The excavation of the basement at 3 Hillfield Road, which has been ongoing for many years, has caused subsidence to the surrounding properties. There is also very little precedent for basements in Gondar Gardens.</p>

Site Description

The application site fronts the eastern side of Gondar Gardens and is the rear garden of 1 Hillfield Road. It lies between South Mansions and Gondar House, which are both three storey buildings with South Mansions fronting Gondar Gardens and Gondar House fronting Hillfield Road with access also possible from Gondar Gardens. The site slopes up with the road from south to north and has an area of 328m² made up of concrete hardstanding and soft landscaped areas.

To the south of the site is Hillfield Road, which mostly contains three storey terraced buildings (some with loft conversions and/or basements) and is characterised by relatively long rear gardens.

On the western side of Gondar Gardens, opposite the site, is the rear of properties on Sarre Road. Some of these frontages are open, others have single storey garages and a number have recent two storey mews type developments to provide residential accommodation.

Further to the north of the site is the Gondar Gardens Reservoir, which has a lengthy planning history (see relevant section below).

The host property is not located within a conservation area and there are no listed buildings in the immediate vicinity. It is located within the Fortune Green and West Hampstead Neighbourhood Area.

Relevant History

Application site (land to the rear of 1 Hillfield Road)

PL/8703320: An Outline planning application was refused on 08/06/1988 for the erection of two new houses to land to the rear of 1 Hillfield Road. The application was refused for the reasons of overdevelopment of the site (exceeding plot ratio standards); not complying with policies as set out in the Environmental Code; unacceptable impact on neighbouring properties (daylight, overlooking and outlook) and it would have been visually intrusive, infilling an important gap between buildings.

1 Hillfield Road (property currently forms part of application site)

2019/3109/P: A planning application currently has a resolution to grant subject to a Section 106 for extension of the building to create an additional self-contained residential unit. This site adjoins the application site to the south and gained a resolution to grant from the Council's Planning Committee. The works include a basement extension, single storey rear extension, a replacement rear dormer and the erection of a bike and bin storey to the rear.

Gondar Gardens Reservoir

There have also been a number of planning applications associated with the former Gondar Gardens Reservoir. The most recent application (ref. **2017/6045/P**) includes an 82-bed extra care housing and 15-bed nursing home development that was refused with an appeal dismissed at public inquiry. The appeal was dismissed in June 2019 due to ecological, amenity and affordable housing related issues. Prior to this, planning permission (ref. **2013/7585/P**) was allowed at appeal on 16 December 2015 for a total of 28 residential dwellings.

1 Gondar Gardens

2007/4353/P: Planning permission was granted on 9 September 2009 for the erection of 4 x 2 storey dwellinghouses (1 dwelling with a basement); following the demolition of an existing dwelling and 3 bay garage. The development is now completed.

Relevant policies

National Planning Policy Framework 2019 (NPPF)

London Plan 2021

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
- C1 - Health and well-being
- C5 - Safety and security
- C6 – Access for all
- A1 - Managing the impact of development
- A2 - Open space
- A3 - Biodiversity
- A4 - Noise and vibration
- A5 - Basements
- D1 - Design
- 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
- T3 - Transport infrastructure
- T4 – Sustainable movement of goods and materials
- DM1 - Delivery and monitoring

Camden Planning Guidance (CPG)

- Access for All (March 2019)
- Air Quality (March 2019)
- Amenity (March 2018)
- Basements (March 2018)
- Biodiversity (March 2018)
- Design (March 2019)
- Developer Contribution (March 2019)
- Energy efficiency and adaption (March 2019)
- Interim CPG Housing (March 2018)
- CPG2 – Housing (March 2019)
- Transport (March 2019)
- Trees (March 2019)
- Water and flooding (March 2019)

Fortune Green and West Hampstead Neighbourhood Plan (2015)

- Policy 1 Housing
- Policy 2 Design and character
 - A12. Infill developments
 - A13. Garden developments

- A15. Basement developments
- Policy 7 Sustainable Transport
- Policy 8 Cycling
- Policy 9 Pavements and pedestrians
- Policy 17 Green/open space
- Policy 18 Trees

Assessment

1.0 Proposal

1.1 Planning permission is sought for redevelopment of the site (including clearance of small ancillary structures and boundary treatment) and the erection of a three storey (plus basement) building to provide six residential flats (Use Class C3). A single storey bin and bike store is proposed adjacent to Gondar House, and a single storey bike store adjacent to South Mansions. New boundary treatment and landscaping is also proposed. The 6 proposed flats include:

- Flat 1 – 3 bed
- Flat 2 – 2 bed
- Flat 3 – 1 bed
- Flat 4 – 2 bed
- Flat 5 – 1 bed
- Flat 6 – 2 bed

1.2 The basement of the proposed building would have a footprint of approximately 212.05m² to a depth of 4.125m below ground. The ground floor would have a footprint of 175.82m², a maximum width of 18.37m and depth of 10.7m. The building would have a maximum height of 9.15m above ground and 12.20m from basement to roof.

1.3 The ground and first floors would mostly be constructed in London Stock brick, with the setback second and third floors in white brick. Planting is proposed on the terraces and facades and other materials include aluminium balustrades, windows and panel doors as well as glazed doors. A range of external amenity spaces are proposed including:

- Terraces – two on the first floor to the rear, one to the front at first floor, two at second floor
- A rear sunken garden/courtyard
- Two ground level gardens.

Revisions

1.4 Revised drawings were submitted to seek to address some of the issues raised by officers and third parties, these are summarised below:

- The front bays were recessed, window sizes were varied and elevation brought to street edge
- Rear of the building was stepped, windows reduced and orientation changed
- Height of proposal was reduced
- The separate bin and bike store was reduced
- Flat entrances were recessed
- Internal layout was flipped and terraces setback

2.0 Land Use/Principle of Residential Development

2.1 Housing represents the priority land use of the adopted Local Plan and, in order to meet (and exceed) the objectively assessed needs of the Borough, the Council seeks to maximise the delivery of new housing. This is supported by policies H1 (Maximising housing supply) and G1 (Delivery and location of growth). On this basis, housing is generally supported here in principle in what is a predominantly residential environment.

2.2 The site is subject to the Fortune Green & West Hampstead Neighbourhood Plan, which was adopted in September 2015. This document has the same weight as the Local Plan. The policies under section A. Housing, Design & Character are considered relevant. Third parties have raised concerns with the proposals and consider that they do not comply with specific policies. These include policies A12. Infill development, A13. Garden developments and A15. Basement developments. Policy A13 is considered particularly relevant to the principle of the proposal and is quoted below (emphasis added in bold):

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

2.3 Officers note that the relevant policy states that development of new dwellings in private gardens ‘should be avoided’. The policy does not prohibit such development. The application site directly fronts Gondar Gardens, so is considered to be an infill development as it has a street frontage. Officers do not consider the proposal to be a ‘backland/garden’ development. The application site includes the rear garden of Gondar House and the side/rear garden of 1 Hillfield Road. The shape of the application site is shown in Figure 1 below. Part of the application site includes a hardstanding parking area, shown in Figure 2 (below). Overall, it is not considered that the acceptability of the development is precluded by the Neighbourhood Plan and is acceptable in principle.



Figure 1 (left): Application site in red



Figure 2 (above): Application site from Gondar Gardens, including an area of hardstanding used as a car parking area

3.0 Quality of Living Accommodation

3.1 Overall, the standard of living accommodation for the prospective occupiers is acceptable. Below is a more detailed assessment of the quality of accommodation.

Layout, ventilation, ceiling heights

3.2 The general layout of the units is acceptable providing functional and practical spaces. The ceiling heights of the residential spaces are over the 2.4m minimum standards within CPG Housing. All of the units benefit from openable doors and windows.

Internal daylight/sunlight

3.3 The application has been supported by an internal daylight report, which assesses the daylight and sunlight levels that would be experienced by future occupiers of the residential units. The Average Daylight Factor (ADF) analysis shows that all the proposed habitable rooms would meet the relevant thresholds. No Sky Line (NSL) results indicate that the majority of rooms would pass BRE Guidelines, with the rooms failing mainly bedrooms (which have lesser importance in terms of the BRE guidance).

Outlook and aspect

3.4 Overall the proposed flats would offer a good quality outlook for future occupiers. All of the units are dual or triple aspect.

Overlooking/privacy

3.5 Potential of overlooking exists between the proposed units. Officers consider that this could be mitigated by an appropriate planning condition securing privacy measures (if permission were to be granted).

External amenity space

3.6 Each unit would have access to external amenity space in the form of a sunken courtyard/garden/lightwell; a garden; or a terrace. The London Plan requires a minimum of 5m² of private outdoor space to be provided for 1-2 person dwellings with an extra 1m² for each additional

occupant. The Camden Local Plan and CPG are not so prescriptive in respect of private amenity space. All of the units comply with the London Plan requirements.

Access and inclusive design

3.7 New build residential developments must comply with the access standards in Part M of the Building Regulations. This includes parts 1 (Visitable dwellings), 2 (Accessible and adaptable dwellings) and M4 (3) wheelchair user dwellings. The Council expects all new build housing to go above the minimum mandatory Building Regulations (where possible) with a requirement to meet Building Regulations part M4 (2). If planning permission were to be granted, details could be secured by planning condition. It is noted that the development does not propose a lift so the flats 4, 5 and 6 could not achieve this. The Council would take a flexible approach to this given the constraints of the site and size of the development.

4.0 Affordable Housing

4.1 Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100m² Gross Internal Area (GIA) or more. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity.

4.2 Paragraph 3.119 of the Local Plan states that *'Where a site or a group of related sites becomes available for development, the Council will expect proposals to take the form of a comprehensive scheme rather than piecemeal development, and will expect a single assessment of the maximum reasonable amount of affordable housing taking account of all components..... We will seek planning obligations to ensure that each part of a split or phased development makes an appropriate affordable housing contribution, having regard to the contribution that would arise from a single assessment across all components'*. The applicant owns and is planning to develop the remainder of the site at 1 Hillfield Road. Planning permission under 2019/3109/P has a resolution to grant for extension of the building to create an additional self-contained residential unit. This proposal included an uplift of 104.4m² (GIA), requiring a payment-in-lieu (PIL) of £6,137.40. In the event a scheme on both sites proceed in the future, then the affordable housing contribution would be comprehensively assessed for both sites together.

4.3 The proposal includes 6 new units and an uplift of 470m² (GIA) of floorspace. This would result in a requirement for 10% affordable housing (capacity is rounded up to the nearest 100m² (i.e. 500m²)). Cumulatively with 1 Hillfield Road the proposal would provide 574.4m² (capacity for 6 units and a requirement of 12% affordable housing).

4.4 The standalone proposal would require 47m² of affordable floorspace and cumulatively 68.93m². Where developments have capacity for fewer than 10 additional dwellings, the Council accepts a PIL of affordable housing as set out in Policy H4.

4.5 The CPG Housing document was published in January 2021. The Camden Local Plan 2017 has adopted GIA to assess self-contained housing and affordable housing requirements under Policies H2 and H4. For consistency, the payment rates incorporated in the updated CPG Housing are expressed as payments per m² of GIA and have been updated for housing and affordable housing. PIL of affordable housing required by Policy H4 is now £5,000 per m² GIA. The PIL required for the proposed development would be £235,000 for the standalone development and £344,650 cumulatively.

4.6 On the basis of the application being refused, the failure to enter into a section 106 to secure the above forms a reason for refusal.

5.0 Design and Impact on Surrounding Area

5.1 The proposed development is for a relatively large building in a garden setting. The proposal

occupies the majority of the site, is close to neighbouring properties and would dominate surrounding buildings and disrupt the prevailing pattern of development. It is a very challenging development in terms of its size, height, scale and massing. The proposals are unacceptable in the streetscene and the design lacks coherence, form and true architectural expression. The development would have a significant impact on properties to the rear as the building would appear very imposing from neighbouring gardens and properties. A summary of the Council's objections to the scheme are set out below:

- The building would appear dominant rather than subordinate in its context and when compared to the neighbouring buildings owing to its mass and scale as well as the architectural components. The proposals appear large and incongruous in this garden setting and would fail to maintain glimpses into the back gardens from the public realm
- The proposed frontage, in terms of its width, expression, treatment and setbacks, does not have any reference to the prevailing pattern of development nor surrounding context
- The total building width is far greater than that of South Mansion (roughly 16m wide for the proposed building and 11m for South Mansions). Similarly, the proposed bays are wider than those of South Mansion
- The proposed development has much larger openings (windows, doors) than both South Mansion and Gondar House, and do not seem to make reference to the architecture features of these adjacent buildings
- The width, varying heights and setbacks of the front elevation lead to an incoherent design. There is a lack of a legible hierarchy within the façade
- The rear elevation is imposing given its location and proximity to rear gardens. It reads as a tall flat wall that directly faces neighbouring gardens. The back section shows the proposed building is much taller than Hillfield terrace
- The detailed design is not considered to be of suitable high quality in terms of the materials, finishes, reveals and architectural features
- The overbearing nature of the development would lead to an impact on the amenity of properties on Hillfield Road - sense of enclosure from rear facing windows and the private gardens. This is assessed in further detail within the Residential Amenity section of this report (below)

5.2 The Council considers the proposals to be infill development and due to the size and proportions of the proposed building, it would be larger than the surrounding buildings and compete with them. This would lead to a prominent building in both the streetscape and back gardens. The building should read as secondary to South Mansions and its surroundings from all angles. The proposal is infilling most of the gap on the site. The basement and ground floor plans show that the building footprint would take up a very large portion of the plot area.

5.3 The relationship of the proposal with the street and the opposite buildings is considered unacceptable, especially in regards to the scale. This is particularly noticeable in the street sections, where the depth and height of the proposed building block are greater than those on the opposite side of the road, which range around 5m to 6m in height while their widths are between 5m and 8m (the proposal is around 9m tall and 10m wide – or 12m including basement). The building depth competes with the depth of the front block of South Mansion (before it steps back on the side towards the back of the building) and occupies the whole depth of the site without offering much relief space, extending from the back of the footway line all the way to the back of the plot.

5.4 Overall, the cumulative effects of the width of the building, the proposed depth, the height and the proportions of the building make the overall proposal dominant in its location and compared to surrounding buildings.

5.5 The proposal would be contrary to Policy D1 – Design of the Local Plan. It would fail to - respect local context and character; comprise details of high quality; integrate well with surrounding streets. As required by the policy, the Council resists development of poor design.

5.6 In addition, the proposal fails to accord with a number of the policies within the Fortune Green & West Hampstead Neighbourhood Plan. This includes policy 2 (Design & Character), requiring high quality of design, which complements and enhances local character and identity. The proposal would be contrary to policies A12 (Infill developments) and A13 (Garden developments) as the development is not in proportion with existing housing stock/the pattern of existing development.

6.0 Residential Amenity

6.1 As set out in detail in the above section, the proposed development would occupy a large proportion of the plot with a relatively large building that is in close proximity to neighbouring windows and gardens. The proposed building would be imposing, unneighbourly and overbearing and would materially harm the living conditions of neighbouring occupiers, particularly those closest to the proposals. Furthermore, there are concerns about privacy impacts on adjacent occupiers in terms of overlooking to neighbouring gardens and windows from the windows and terraces of the proposed development, and potentially loss of outlook/light. Residential amenity concerns are summarised below:

- The rear elevation is imposing given its size, height, location and proximity to neighbouring rear gardens. It reads as a tall flat wall that directly faces adjoining properties
- The scale of the development diminishes the quality of the neighbouring residential accommodation in terms of having an overbearing impact as well as loss of outlook and privacy
- Concern about impact on neighbours in terms of overlooking to neighbouring gardens and windows, from windows and terraces
- All of the proposed terraces have the potential for overlooking neighbouring windows and gardens. Whilst planting around the edge of the terrace is incorporated, it is not expected to adequately prevent views.
- Rear and side facing windows would overlook adjacent properties and gardens
- Daylight/Sunlight Assessment – it is noted that at least four windows fail to meet VSC (W3 at Gondar House; W1 at South Mansions; W4 and 5 at 1 Hillfield Road), adding to the above concerns

6.2 Based on the above, the proposal would fail to comply with Policy A1 of the Local Plan as it would not protect the quality of life of occupiers and neighbours. The proposed development would cause unacceptable harm to amenity.

7.0 Basement Impacts

7.1 Policy A5 requires basements, by way of their siting, location, scale and design, to have minimal impact on and be subordinate to a host property. A number of criteria is set out in the policy, and it is noted that parts f-k are not considered to apply to this particular development given it is an infill development of a new building. Overall, the development is of a large scale and it occupies the majority of the site. In combination with the site coverage and height, width, scale and massing, the proposal causes harm to the character and amenity of the area.

7.2 The application is supported by a Basement Impact Assessment (BIA). This was subjected to an independent audit by Campbell Reith. After several revisions and rounds of reviews they gave confirmation that the scheme was acceptable in their audit report dated February 2021. In summary, the audit confirmed:

- The authors of the BIA possess suitable qualifications
- The proposed basement would not impact hydrogeology or slope stability
- Appropriate surface water mitigation measures are proposed. The basement would not impact the wider hydrological environment
- After the submission of a revised BIA, the ground movement assessment was updated and the building damage assessment indicated that damage to adjacent properties would not exceed Burland Category (Very Slight)
- Impact of ground movements on the adjacent highway (Gondar Gardens) was identified as negligible
- Surrounding buildings would be monitored prior to and during construction
- The revised BIA complies with CPG Basements and Policy A5, in terms of impacts on neighbouring properties; structural, ground and water conditions

8.0 Flood Risk

8.1 The application site lies within Flood Zone 1; however, historic evidence indicates that properties to the south on Hillfield Road (i.e. some distance from the site) are at risk of surface water flooding due to historic rainfall events. On this basis, a Flood Risk Assessment (FRA), prepared by Hydrock, has been prepared in accordance with Policy CC3 of the Local Plan. It concludes that the site is at low risk of flooding and no specific flood resistance and/or resilience measures are required. The basement level of the proposed development would be constructed to Grade 3 waterproof standards, in line with BS8102.

8.2 The application is supported by a BIA and a Drainage Strategy, which confirms that the proposed development would not result in an increased risk of flooding to neighbouring properties. Overall, the provision of habitable floorspace within the basement is considered acceptable.

9.0 Transport and Highways

9.1 Cycle parking is provided in a mixture of ways, including within a dedicated bike store (for Flat 1), internalised within the unit (Flat 3) and within a communal bike store (remainder of the flats). This approach is supported. Cycle parking would need to be in accordance with the Local Plan, London Plan and CPG Transport in terms of quantum and number. If planning permission were to be granted, these details would be secured by a suitably worded planning condition. It is noted that the bike storage units all appear compromised in terms of their accessibility, so the submitted details are in no way endorsed but as this could be dealt with via a planning condition (if permission were to be granted), it does not form a reason for refusal.

9.2 All 6 residential units would need to be secured as parking permit free by means of a section 106 Agreement. This would prevent any future occupiers from being able to park on the surrounding streets and adding to traffic congestion and air pollution. The loss of the existing 3 off-street parking spaces as part of the proposals is supported by Policy T2.

9.3 A draft Construction Management Plan (CMP) has been submitted in support of the application. This is limited in information at this point in time. A full CMP would need to be secured by means of a section 106 together with an Implementation Support Contribution of £7,565 and Impact Bond of £15,000, if permission were to be granted.

9.4 A Highways Contribution would also need to be secured by means of a section 106 in order to remove the existing dropped kerbs and repair any damage that occurs to the footway as a result of construction. An estimate would be required from the Council's engineering team.

9.5 As the application is being refused, the failure to enter into a legal agreement and secure car-free

housing; a CMP (with contributions) and Highways Contribution would all form reasons for refusal.

10.0 Trees, Landscaping and Biodiversity

10.1 The proposals include works in close proximity to a mature street tree. Indicative details show this would be retained and protected during construction. If planning permission were to be granted, tree protection details would need to be secured via planning condition.

10.2 Landscaping works are proposed throughout the scheme, in the sunken courtyard, gardens, and terraces. Such details would be reserved for later discharge if permission were to be granted. Greening of the building façade is also indicated, but how this would be achieved is not clear based on the drawings within the application. Sufficient soil depth and a watering regime would be required if the climber features were to be properly established and thrive.

10.3 The plans indicate a sedum green roof. This is something officers would support, providing due consideration to safe access is incorporated within the design. It would help manage surface water at the source and reduce the burden on the buried attenuation tank located within the garden.

10.3 The applicant has indicated that additional street trees would be provided on the public highway. This is supported. Appropriate financial contributions to deliver street trees within the area would need to be secured via legal agreement, if planning permission were to be granted.

10.4 Officers note that the site is a garden is in close proximity to a Site of Important Nature Conservation (SINC). Owing to the presence of trees, hedges, grass, flower beds, unmade ground, and given the proximity to a known population of slow worms (a protected species and therefore material consideration) the proposals should pay particular attention to the potential for these. The applicant has commissioned a short desktop ecological report. It confirms that there is low to negligible potential for any slow worm populations on-site and recommends no further surveys be conducted. The report also provides some suggested measures regarding the use of biodiverse green roofs, planting, bird and bat boxes and lighting. All of these measures would be incorporated into the proposals and secured by planning condition (if permission were to be granted). The proposals include:

- The use of biodiverse green roofs on all flat roofs of the scheme
- The use of planting on all main roof terraces with a range of biodiverse species
- The gardens at ground floor level would include a range of planting and provision of species that would create habitat opportunities
- The scheme has utilised a SuDS design to ensure permeable surfaces are maximised as much as possible and runoff from the site minimised
- The landscaping of the scheme would include the provision of bird and bat boxes to help provide habitat opportunities
- Hedgehog-friendly fencing

10.5 All of these measures represent biodiversity enhancements compared to the current site.

11.0 Sustainability

11.1 Local Plan policy CC1 requires all developments to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Policies CC2 and CC3 are also relevant with regards to sustainability and climate change.

11.2 In general, the proposal seeks to achieve high standards of sustainable design and construction. Green roofs and photo voltaic (PV) panels are proposed. Details would need to be secured by

condition if permission were to be granted. A number of other energy efficient and sustainable design measures are proposed including solar hot water systems and sustainable drainage solutions. These are detailed in the submitted Energy and Sustainability Statements. Overall, the proposals would achieve a 28.5% reduction over Part L Building Regulations.

11.3 An approval would require a Sustainability and Energy Plan to be secured via legal agreement. The failure to enter into a legal agreement to secure the above would form a further reason for refusal.

12.0 Waste

12.1 A dedicated bin store is proposed adjacent to the main proposed building adjacent to Gondar Gardens. It is noted that the store would need to accommodate any proposed occupiers as part of the proposals and the development at 1 Hillfield Road under 2019/3109/P. Direct access is proposed from the rear garden of 1 Hillfield Road. If planning permission were to be granted, then details of the location, design and method of waste storage and removal (including recycled materials) would be reserved by condition (including a requirement to ensure 1 Hillfield Road have sufficient space and access.

13.0 Contamination

13.1 The application is supported by a Geotechnical and Geoenvironmental Interpretative Report and Basement Impact Assessment by CGL, dated May 2020. The proposal includes provisions for a basement extending across the eastern part of the site. This raises concern about the risk from radon for future occupants of the basement. As a precautionary approach it may be prudent to consider making provisions for radon reduction at the design stage. If planning permission were to be granted, a pre-commencement condition would be required to address the potential radon risk. Following completion of a radon risk assessment, it is recommended a Remediation Strategy is submitted for approval. A Validation Report would also need to be submitted. This would need to demonstrate all remedial work has been undertaken as specified.

14.0 Heads of Terms

14.1 If the proposal was considered to be acceptable it would be the subject of a Section 106 legal agreement. The obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought if permission were to be granted:

- Affordable housing payment-in-lieu (PIL) of £235,000 and linked to development at 1 Hillfield Road (i.e. cumulative affordable housing contribution considered)
- New residential units to be secured as car-free
- Construction Management Plan and implementation support contribution of £7,565
- Construction impact bond of £15,000
- Highway works contribution of £TBC
- Sustainability and Energy Plan

15.0 Community Infrastructure Levy

15.1 If the proposal was deemed acceptable it would be liable for both Mayoral and Camden CIL. This would be based on Mayor's CIL2 and Camden's latest CIL charging schedule from 2020.

16.0 Recommendation: Refuse Planning Permission

