

# Architectural Appeal Statement

for

## 4b Hampstead Hill Gardens

Ref: 2019/5835/P

Prepared by Laurence Osborn of GRID Architects

### Contents

1.0	Introduction	2
2.0	The Proposed Development and Reasons for Refusal	2
3.0	Design Evolution	3
4.0	Reason for Refusal No.1	10
5.0	Reason for Refusal No.2	17
6.0	Summary	19

## 1.0 Introduction

- 1.1 This statement has been prepared for the appeal against the refusal of planning permission at 4a Hampstead Hill Gardens, London, NW3 2PL, ref: 2019/5835/P.
- 1.2 The statement has been written by Laurence Osborn BA (Hons), DIP ARCH, ARB, RIBA. Laurence has 25 years architectural experience and is a founding Director of GRID Architects, an award winning practice in London. GRID Architects work predominantly in the London area on residential led projects of various scales and are known for their contextual design response to sites and briefs. Laurence has led the design on a number of notable completed projects in distinguished and sensitive locations that consist of Conservation Areas and settings of Listed Buildings. These include the following:
- Belvedere Gardens on the Southbank opposite the Palace of Westminster and adjacent to County Hall
  - 190 Strand, opposite the Grade I listed St Clement Danes Church by Sir Christopher Wren.
  - Montrose Place, Belgravia (whilst at Hamilton Associates)
- GRID Architects have also designed the following projects incorporating the refurbishment and/or re-use of listed buildings that have gained support from Historic England:
- Oval Gasworks (London Borough of Lambeth) - Gasholder No.1 Grade II Listed
  - The former London Chest Hospital (London Borough of Tower Hamlets) - Grade II Listed
- In addition Laurence Osborn was responsible for the design of Vantage Point in Islington which was an RIBA award winner in 2017. He is a respected member of the architectural profession particularly in housing and is an expert advisor on the RIBA Housing Group and is a guest lecturer at Sheffield University Architecture School.
- 1.3 In preparing this statement, I have referenced the following documents;
- GRID Architects Design and Access Statement – Addendum, May 2020
  - Drawings accompanying the submission
  - Case Officers Delegated Report 2019/5835/P
  - Withdrawn application June 2019, ref: 2019/2964/P
  - Pre-application Responses from Camden Council relating to design issues
- 1.4 The evidence which I have prepared and provide for this appeal is true and has been prepared and given in accordance with my professional institution and I confirm that the opinions expressed are my true and professional opinion.

## 2.0 The Proposed Development and Reasons for Refusal

- 2.1 The application sought permission for:

*The demolition of the existing two storey dwellinghouse and erection of a new 4-bed dwelling house in its place. The dwelling would have a basement floor, ground, first and second floor with projecting dormer windows at the front and the rear. One of the two onsite parking spaces would be retained. The new dwellinghouse would have a floor area of approximately 194.9sqm (GIA) to replace the existing house of 112.7sqm (GIA).*

- 2.2 There are 5 reasons for refusal in the Delegated Report; this statement addresses refusal items 1 & 2 as follows (with items 3-5 negated through the draft Section 106 Agreement as outlined within the Statement of Case):

*1) The proposed replacement dwelling, by virtue of its excessive height, bulk and scale, would have a detrimental impact on the character and appearance of the street scene and Hampstead Conservation Area and the setting of the nearby Grade II listed buildings, resulting in 'less than substantial' harm to heritage assets, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.*

*2) The proposed development, by virtue of its unneighbourly and overbearing height and massing, would result in loss of outlook to 4A Hampstead Hill Gardens, to the detriment of their amenities, contrary to policy A1 (Amenity) of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2018.*



Figure 1: Appeal Scheme Proposal - Illustrative Street View 1



Figure 2: Appeal Scheme Proposal - Illustrative Street View 2

### 3.0 Design Evolution

As documented below, throughout the application process the client team have sought to work collaboratively with the London Borough of Camden, and in all instances the design feedback received has been carefully considered, and has been incorporated into the revised design iterations.

#### 3.1 Application No.1 (withdrawn) – June 2019 – 2019/2964/P

- 3.1.1 A planning application was made in June 2019 for the erection of a 3 storey dwelling house with a full basement following demolition of the existing 2 storey dwelling and subsequently withdrawn. Paragraphs 3.1.2 to 3.1.5 itemise the key design issues identified by Planning Officers in email correspondence with DP9 and our design response.
- 3.1.2 The proposals included a 2nd floor which despite being clad in metal roof shingles was deemed to be too aggressive in the street scene and gave the building a commercial aesthetic. All design development thereafter sought to express the 2nd floor as a pitched roof to follow how the 2nd floor rooms of the surrounding houses are accommodated. The roofing material was also re-considered.
- 3.1.3 Officer's commented that the window frames should be white so the building is in keeping with its context. This was carefully considered in revised schemes so that window frames were white.
- 3.1.4 Officer's commented that the previous basement scheme was not policy compliant as it occupied the entirety of the plot footprint. As such, the revised schemes included a reduced basement to be compliant with policy A5 of the Camden Local Plan 2017
- 3.1.5 The 2nd floor included a set back to the street elevation with a small terrace. This was subsequently removed following concerns from neighbours regarding overlooking despite separation distances exceeding 20m.

#### 3.2 Application No.2 – February 2020 – 2019/5835/P

- 3.2.1 A planning application was made in February 2020 for the erection of a 2-3 storey dwelling house with a partial basement following demolition of the existing 2 storey dwelling.
- 3.2.2 The second application included a number of amendments which were made to the design of the original application following comments from the officer's and stakeholders:
- The 2nd floor was incorporated into a roof form to reduce its impact and the terrace removed.
  - The proposed overall height was reduced



Figure 3: June 2019 Proposal - Illustrative Street View



Figure 4: February 2020 Proposal - Illustrative Street View

- The roof finish was amended
- The basement area was reduced.
- Brick detailing was incorporated with a clear concept to its application and reference to the existing houses on the street to provide a domestic appearance.
- The architecture was developed to relate closer to the principles of the buildings in the Conservation Area whilst remaining 'of its time'.
- Windows were changed to a white finish to relate to those in the Conservation Area.
- The buildings dominance on the street and to the rear was reduced by the change to a pitched roof form.



Figure 5: June 2019 Proposal - Illustrative Street Elevation



Figure 6: February 2020 Proposal - Illustrative Street Elevation



Figure 7: June 2019 Proposal - Illustrative Rear View



Figure 8: February 2020 Proposal - Illustrative Rear View

3.2.3 Officer's made the following comments in the Application No.2 design via email to DP9:

- "The palette of materials provides a contextual contemporary response to the local built character, but there is still an issue of scale"*
- "The sheer front bay which protrudes above the eaves gives a dominant, vertical emphasis to the building and an*

*overly dominant appearance at upper levels, exacerbated by the heavy flank walls which extend the full height of the building and the prominent location of the building on the curve in the road”*

- c) *The boundary treatment incorporating a modern gate results in a stark, open appearance, at odds with the surrounding character. Development of the site provides the opportunity to reinstate an appropriate boundary treatment which responds to the surrounding character i.e. planting, piers, low brick walls etc.”*
- d) *“Whilst there are some positives to the scheme, at present the proposed building appears overly dominant with a strong vertical emphasis, at odds with the surrounding architectural character. The heavy and imposing appearance of the building at upper levels would be appreciated in longer views along Hampstead Hill Gardens and behind and adjacent to the Grade II listed buildings. The proposed building should try to match the same height of windows as the adjoining building and should appear as a two storey building with rooms in the roof”*
- e) *“In addition to the comments above, please note the roof lantern at roof level is an incongruous feature, bearing no relation to the historic context or architectural language of the area and exacerbating the vertical emphasis and over dominant nature of the proposed building. The roof lantern should be removed from the proposal”*

3.2.4 The Delegated Report shows that whilst the revised proposals did obtain some support from local residents, in the main the same reasons for objection were still being made to those made on the June 2019 application, in summary;

- Inconsistent with 4a and listed buildings
- Too top heavy in appearance
- Loss of outlook / skyline views
- Out of character
- Proximity to road

### 3.3 Application No.2 - 2019/5835/P Addendum

3.3.1 The amended building design now the subject of this appeal takes into account the previous advice received by the council in the following ways:

- a) The two storey protruding front bay was removed and replaced with a single storey portico to reflect the entrance portico's of the surrounding villas and thereby removed the vertical emphasis that was a concern.
- b) The 'heavy' flank/gable walls were removed and replaced with a pitched roof and eaves to mirror the detail of the surrounding context.
- c) The roof material was changed to zinc and expressed in the same geometry and format as the adjoining 4a roof.



Figure 9: February 2020 Proposal - Illustrative Street Elevation



Figure 10: Appeal Scheme Proposal - Illustrative Street Elevation

- d) A low brick wall and piers incorporating railings and planting were introduced to reduce the openness of the boundary treatment. All applications had included a reduction of the 2 existing on plot car parking spaces to one



Figure 11: February 2020 Proposal - Illustrative Street View



Figure 12: Appeal Scheme Proposal - Illustrative Street View

space. it was demonstrated that a gate to this space was not feasible so some openness had to remain but was still an improvement to the existing boundary treatment (Figure 10).



Figure 13: February 2020 Proposal - Illustrative Street View



Figure 14: June 2020 Proposal - Illustrative Street View



- e) Window heights were lowered to reduce their contribution to the strong vertical emphasis officer's felt formed part of the previous proposal.



Figure 15: February 2020 Proposal - Illustrative Rear View



Figure 16: June 2020 Proposal - Illustrative Rear View

- f) There was an overall simplification of the façade and roof geometry. The proposal was developed to appear as a two storey building with rooms in the roof as suggested.
- g) The roof lantern was removed as requested and replaced with a chimney form to replicate the gable of No.6.
- h) Juliette balconies were removed from the proposals (Figure 14)

3.3.2 Further consideration was also given to the bulk of the building in longer views along Hampstead Hill Gardens. Upon request a sketch (Figure 17) of the longer view on the bend of the road towards No.4 were provided which showed the scheme to be more subordinate than in previous iterations. It showed how design work to the gable had been developed to provide an interesting façade that took cues from the adjacent gable of No.6 so it was in keeping with the character of the street.

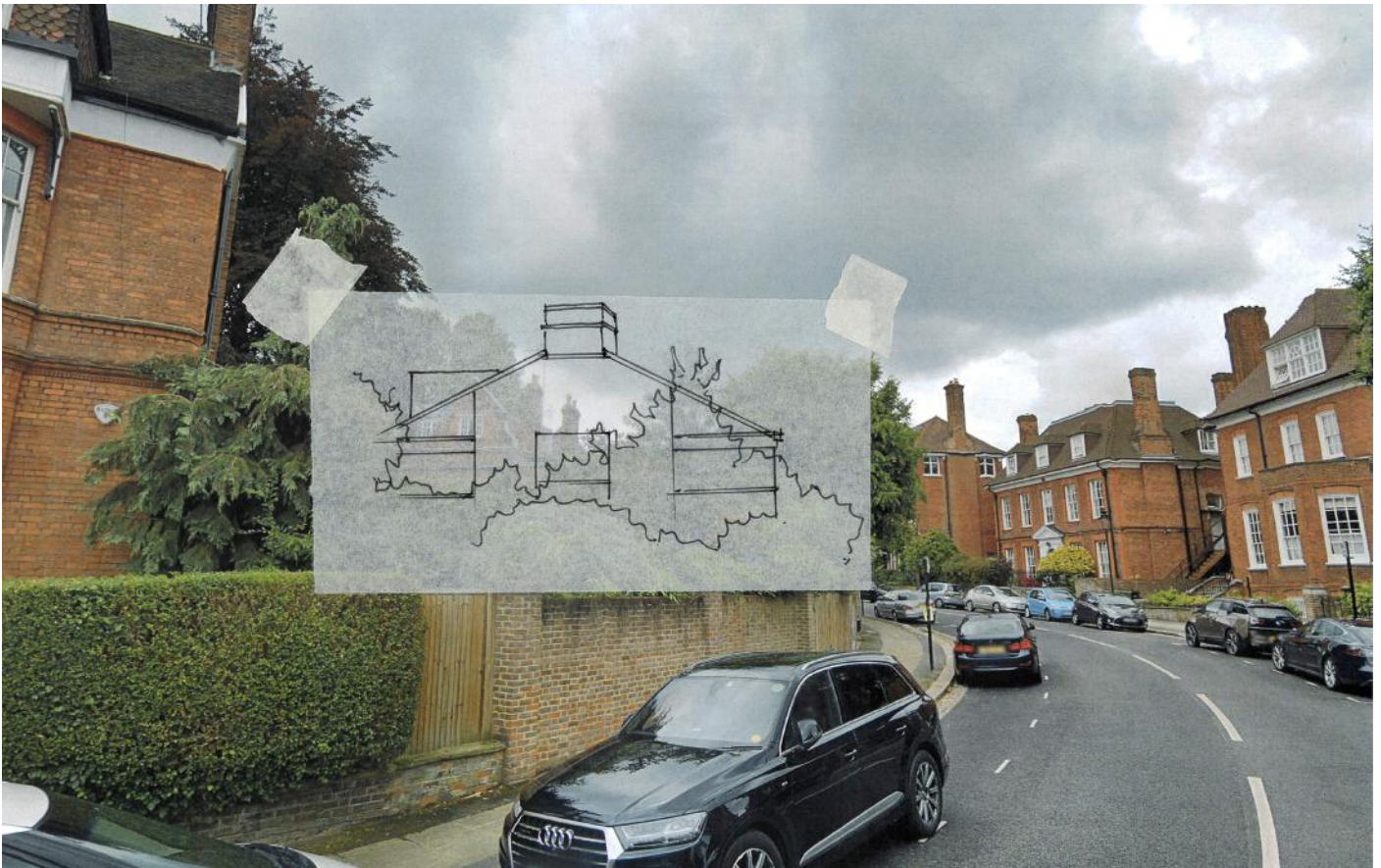


Figure 17: Sketch Issued to LBC - April 2020

Based on the submitted sketch in Figure 15, the Senior Planning Officer emailed DP9 on 4 May 2020 stating:

*“The drawings are helpful- they give more context to the scale of the building in that longer view. The scheme appears more subordinate than in previously iterations.*

*Please submit a revised scheme accordingly”*

This view was developed up as an illustrative view for the Appeal Scheme Proposal and submitted as shown below (Figure 18)



Figure 16: Appeal Scheme Proposal - Illustrative CGI

## 4.0 Reason for Refusal No.1:

*"The proposed replacement dwelling, by virtue of its excessive height, bulk and scale, would have a detrimental impact on the character and appearance of the street scene and Hampstead Conservation Area and the setting of nearby grade II listed buildings, resulting in 'less than substantial' harm to heritage assets, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018"*

### 4.1 Existing Buildings Contribution to the Street

As described in the Design and Access Statement Addendum submitted in June 2019, the existing 4b Hampstead Hill Gardens dwelling is a result of an extension to 4a Hampstead Hill Gardens in 1966. The original garage was retained in use and a dwelling was constructed behind and into the garden space (resulting in it protruding from the rear of 4a as shown in Figure 19 in dashed red line) and at 1st floor level.

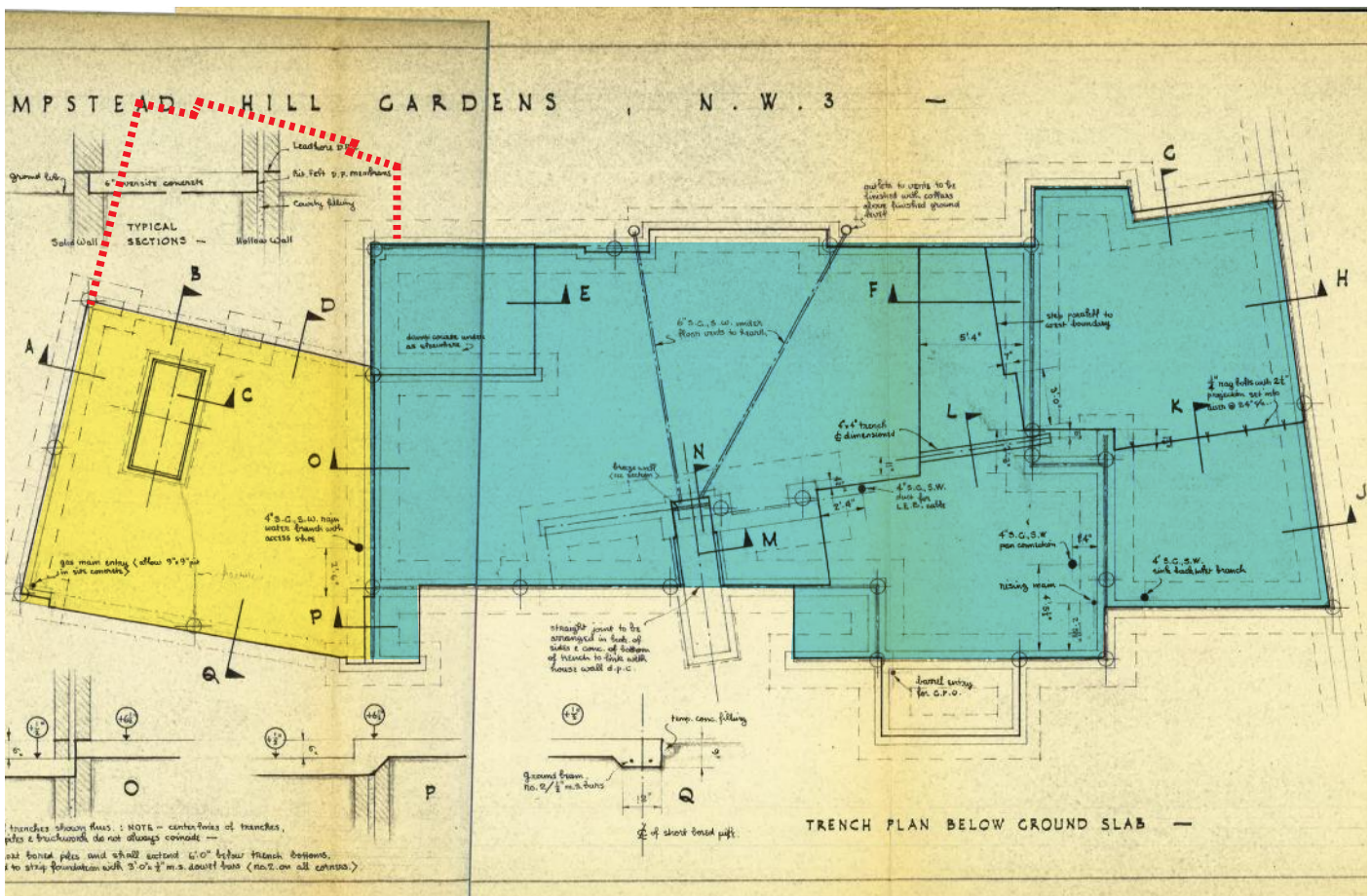


Figure 19: 1955 Foundation Plan of No.4a (blue) with extension 4b (yellow). Extent of extension indicated in red dashed line.

It was constructed with a flat roof that has a clumsy interface with 4a, particularly at the roof level where it neither provides an abutment to the gable of 4a nor is subordinate to the pitched roof of 4a (Figure 20 overleaf). The flat roof of 4b is one of the only flat roof buildings on the street, is incongruous and offers a very poor quality elevation at the bend in the street (Figure 21). It is my opinion that the existing building has a detrimental impact on the character and appearance of the street scene and Hampstead Conservation Area and the setting of nearby Grade II listed buildings.



Figure 20: Photograph of the existing 4b exhibiting clumsy relationship with 4a at roof levels, small windows to north elevation



Figure 21: Photograph of the existing 4b with its unattractive gable and facade design

## 4.2 Existing Residential Quality

The quality of existing construction is extremely poor and has limited insulation. The inadequate construction detail / insulation between 4a and 4b results in a lack of acceptable acoustic separation between the neighbours. Furthermore there is evidence of subsidence and the roof is leaking. The building is approaching the end of its design life. To retain its use as a dwelling the property needs significant refurbishment. Redeveloping the property provides an opportunity to rectify the subsidence issues (that would have a benefit to the adjoining 4a in the long term) and provide a sustainable home for the applicant.

The existing buildings floor to ceiling heights within living areas are 2330mm. This is below the 2500mm minimum heights prescribed in current National Space Standards in order to provide good residential quality for occupants. As a result of the existing low floor to ceiling heights and small windows to a large proportion of rooms, the residential quality of the existing property is poor and would not meet current minimum requirements for residential quality. This is a fundamental reason behind the applicant requiring to redevelop the plot and provide his family with an acceptable standard of accommodation. Meeting current standards in terms of floor to ceiling heights, daylight/sunlight quality and insulation build ups requires the redevelopment to be of the heights proposed. Therefore I do not consider the building to be excessive.

## 4.3 Bulk

Bulk is defined as the mass or size of something. Whilst the proposals increase the quantum of accommodation on the site by 73% (not double as some of the objections suggest). The area summary in the application shows that the majority of this additional area is located in the new basement (54.4sq.m). The area of the ground floor and 1st floor have fractionally reduced, largely as a result of the thicker construction required to meet current building regulations and the articulation given to the gable wall.

The introduction of a 2nd floor in the roofspace contributes to 35.7sq.m of the increase in area, 18% of the proposed house area.

Changes to the building footprint are minimal and occurs on the street elevation so that it aligns with the angle of 4a (Figure 23) and rationalises the awkward geometry at this corner for the pitched roof. The face of the street elevation balances the facing elevation to 4b to the west so that the recess to 4b is terminated at both ends (Figure 24)

The proposed bulk was reduced during design development by omitting the 2 storey projection on the street elevation and replacing it with a single storey portico.

There has been a reduction to the building footprint to the rear of the site within the garden and to the east elevation on the boundary to No.6 to provide articulation to the facade (Figure 23).

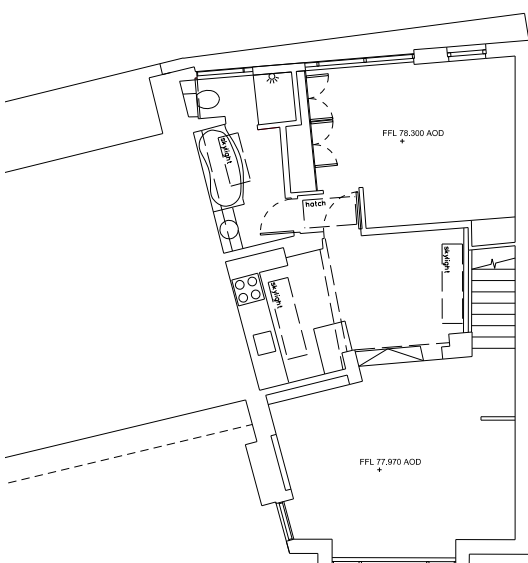


Figure 22: Existing 1st Floor Plan

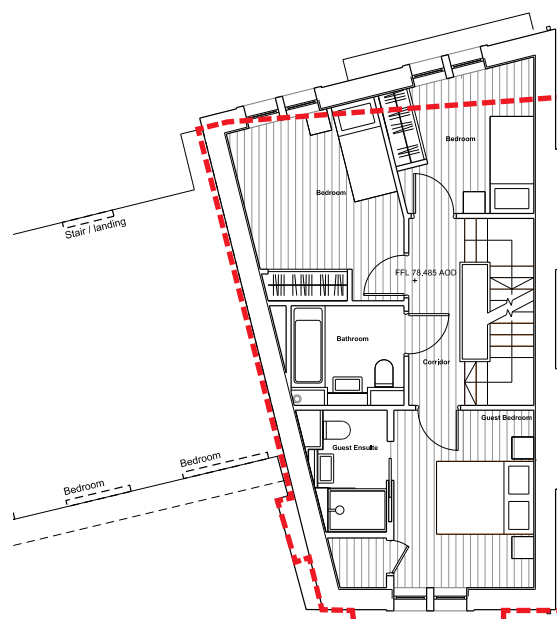


Figure 23: Proposed 1st Floor Plan (existing dashed in red)



Figure 24: Diagram to show how elements of elevation align with adjoining 4b and balance the recess formed in 4b.

#### 4.4 Height

In the delegated report paragraph 3.11 line 8 the proposals are described as *'At three storeys above ground. The proposed building has an additional storey above ground which is not typical of the surrounding 2 storey context'*.

Paragraph 3.11 line 1 states *'the predominant character of the surrounding built context comprises two storey buildings with basement and dormers'*.

The proposals comprise of a 2 storey building with a basement and dormers and are no different to the 'predominant character'. The description of a three storey development above ground being untypical of the surrounding 2 storey context is categorically wrong and misleading.

The prevailing heights of the houses on the street are two storeys in height with a 3rd storey within a pitched roof (Figure 25). The majority include a basement level and there are dormers within the roof space to provide daylight to the rooms with in. Figure 26 is a 3D model of the street provided by VU:city with the proposal highlighted and shows it to be in keeping with this building typology and subordinate to the surrounding houses.

The proposed heights are lower than the 19th century surrounding houses and by doing so keep the proposals in proportion in terms of its width to height ratio. The proposals are 2 storeys in height with a 3rd storey within a pitched roof and are therefore entirely typical of the area. Therefore I believe that the proposed heights are keeping with the character of the street scene and are not over bearing.



Figure 25: A selection of houses demonstrating the 'predominant character' of 2 storey with a roof and dormers



Figure 26: VU:City model of the street with proposal highlighted in pink

An approach was adopted whereby a new gable wall provides a 'bookend' to the side elevation of 4a. This rationalises the terminations of the existing eaves and ridge line to 4a and provides a gable to waterproof between the two buildings at roof level (Figure 24) and the exposed gable design echos the gable to No.6. The approach is in keeping with the character of the area and results in a proposal that does not appear excessive in height.

One also needs to consider that any redevelopment of the plot would require the following:

- Additional height in order to meet the minimum National Space Standards for floor to ceiling heights.
- Introduction of pitched roof in order to meet the character and appearance of the Conservation Area.
- Increased construction zones to provide insulation to meet current building regulations, particularly the roof.

Meeting these three considerations make it impossible to align eaves and ridge heights with the adjoining 4a and an increase in height is unavoidable. Nevertheless the additional height required to meet these requirements has been kept to a minimum and is in context with the surroundings. As a result I do not believe the proposals can be deemed as 'excessive'.



## 4.5 Impact

Part of the client brief was to enhance the Character and Appearance of the Street scene and Hampstead Conservation Area and the setting of the nearby Grade II listed buildings. I believe that the proposals do this via the high quality and contextual design.

I have established that the additional bulk, height and scale are a product of meeting current regulations and planning guidance and have been kept to a minimum.

The proposals remain subordinate to the scale of the prevailing street and by introducing a pitched roof, use of high quality materials and details that respond to its historical context, enhance the street scene.

I considered the potential impact of the proposals on the longer view along Hampstead Hill Gardens as requested by the Planning Officer. A sketch from the location where it can be seen was submitted during pre-application (Figure 15) and on the basis of this sketch we were encouraged to submit an application. One also should consider that this longer view is a 'dynamic' view and not a static view, therefore in certain instances, the rear elevation of No. 4 Hampstead Hill Gardens (Grade II listed) cannot be seen or the view of it is limited. As can be seen from the sequence of photographs slightly further across the road (Figure 27), the view of No.4 is less apparent than in the view within Figure 15 and is more typical of the experience of this dynamic view.

I do not believe that the impact on this glimpsed view has a significant detrimental impact on the street scene. I believe it is the building frontages which define the street scene and the curvature of the road and it is these aspects that characterises Hampstead Hill Gardens. Therefore I believe that the proposals align with this prevailing character, the pattern and grain of the street and reinforce the curvature in the road.



Figure 27: Existing photos in different locations on the bend - No.4 is barely visible

On balance the high quality architecture of the proposals, the mirroring of the gable brick detail of No.6 and the architectural details outweigh the occasional protrusion into the dynamic view of the rear elevation to No.4 from certain locations.

The proposals are lower than the surrounding villas. The surrounding villas are substantial in their scale and of considerable grandeur. Whilst contextual, the architectural approach is restrained and avoids elaborate architectural gestures. Therefore it is difficult to understand that in Paragraph 3.11 of the Delegated Report that the proposals are deemed to '*compete with the listed villas opposite*' (Figure 28) and that they are '*no longer responding to the traditional historic relationship between the buildings in which No.4 predominates and 4A&B remain legible as subordinate buildings*'. Figure 26 demonstrates this is not the case.



Figure 28: Listed Villa No.9 opposite



Figure 29: Indicative relationship with listed villas opposite (No.3&5 in view)

I believe the description of the dormer window in the Delegated Report as *'failing to integrate well into the third storey, appearing as an alien and incongruous 'floating' addition and adding to the perceived bulk of the building in key view'* is wrong. The design of the front dormer integrates into the roof form by being clad in the same material, an approach which is contemporary (Figure 31 & 32) but also echoes how the dormers on the surrounding buildings are expressed (Figure 30). It is of an appropriate scale and has a white fascia, again responding to its context and is an approach used successfully in other Conservation Areas (Figure 31 and 32)



Figure 30: Illustrative street view of the proposals



Figure 31:  
Yeomans Row - Squires + Partners  
Red Sandstone in a Conservation Area



Figure 32:  
Kenwood Lee House - Cousins & Cousins  
RIBA Award 2019 in Highgate Conservation Area

## 5.0 Reason for Refusal No.2:

*“The proposed development, by virtue of its unneighbourly and overbearing height and massing, would result in loss of outlook to 4A Hampstead Hill Gardens, to the detriment of their amenities, contrary to policy A1 (Amenity) of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2018”*

### 5.1 Height and Massing

The existing southern elevation of 4b Hampstead Hill Gardens projects further than the southern elevation of the adjacent 4a Hampstead Hill Gardens. Figure 23 demonstrates that the proposed southern elevation line is a slight reduction to the existing line and therefore avoids any further protrusion.

The proposed height of the building is 2 storey with a pitched roof which is conventional in terms of mass and height for a common house and has been kept lower than the surrounding 2 storey and pitched roof villas of the street. I find it difficult in principle for a house of ‘normal’ height to be considered unneighbourly and overbearing on a boundary to a rear garden wall when it is a relationship that is common place in suburban locations.

### 5.2 Impact of Development

Camden Local Plan 2017 Policy A1 sets out the factors for considering the impact of development on neighbours. Of the 10 factors listed, it is only the loss of ‘outlook’ that has been cited as contrary to this policy (Paragraph 5.7 of the Delegated Report).



Figure 33: Montage photograph of the existing view from kitchen window of 4a Hampstead Hill Gardens

Figure 33 is a montage of two photographs taken from the kitchen window of 4a Hampstead Hill Gardens showing the existing outlook. Paragraph 6.1 of Policy A1 expects that a development's impact on outlook is considered at the design stage of a scheme to prevent potential harmful effects of the development on occupiers and neighbours. Further detail is offered within their supplementary planning document Camden Planning Guidance on amenity. When referring to the July 2020 version of this guidance in paragraph 2.13 it states;

*“Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. How pleasant an outlook is depends on what is being viewed. For example, an outlook onto amenity space is more pleasant than an outlook across a servicing yard. Particular care should therefore be taken if the proposed development adjoins properties with a single aspect. Any unpleasant features should be screened if possible, for example with permanent landscaping”*

Figure 34 and 35 are illustrative sketches of the existing and proposed outlook.



Figure 34: Sketch of existing view from 4a Hampstead Hill Gardens

Figure 35: Sketch of proposed view from 4a Hampstead Hill Gardens

In my opinion the existing outlook onto 4b is poor due to the low quality of the building. The proposals are high quality and cannot be deemed as ‘unpleasant’. In addition 4a is not single aspect and therefore this is not their sole outlook. Therefore I do not believe that under this criteria for assessing outlook that the proposals fail.

Paragraph 2.14 of the guidance states;

*“Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. The location of bin or cycle stores, for example, should be carefully considered if they are in close proximity to windows or spaces used by occupiers”*

The proximity of the proposals are no different to the existing building and the footprint in this location has been reduced. The existing outlook from the window is one composed of the side elevation of 4b and a corner of No.6 Hampstead Hill Gardens with no visual breaks between buildings. The cumulative effect of the proposed structure has very little impact on this view and in my opinion would not detrimentally effect the enjoyment of either the kitchen or the outdoor space by the adjoining residential occupier. This has been ratified by the Point 2 Daylight and Sunlight Report, the text of which is in italics on the following page.

### Daylight (VSC and NSL) and Sunlight (APSH) Summary

With reference to the technical analysis, all 7 assessed properties will experience small changes in VSC (daylight) and/or NSL (daylight) and/or APSH (sunlight) as a result of the proposed development, but any alterations will fully comply with BRE recommendations and thus should not be noticeable to the room's occupants.



Figure 36: Existing rear elevation

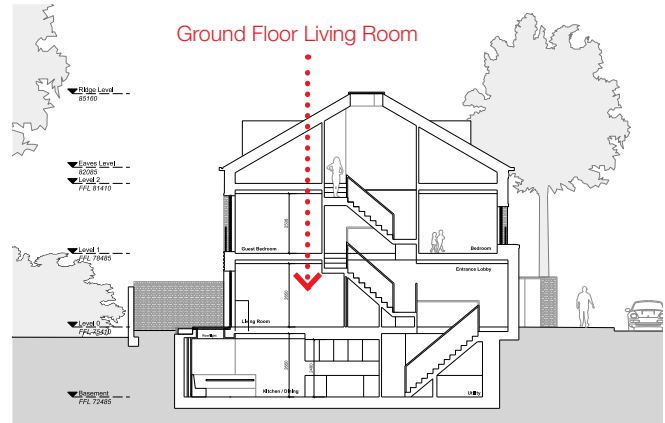


Figure 37: Proposed Long Section

### Overshadowing Summary

With regards to overshadowing, we have analysed all 4 surrounding areas of private, outdoor amenity space within both existing and proposed scenarios on the 21st of March, 21st of April, 21st of May and 21st of June (please see drawings P12023/SHA\_09-12). These being:

Area A – 4a Hampstead Hill Gardens (rear garden) Area B – 4 Hampstead Hill Gardens (rear garden) Area C – 6 Hampstead Hill Gardens (front garden) Area D – 6 Hampstead Hill Gardens (rear garden)

The results show that on the 21st of March, 21st of April, 21st of May and 21st of June, Areas A, B and D will either continue to receive at least 2 hours of direct sunlight to the same total area following construction of the Proposed Scheme, or if there is a change in the total area receiving this level of sunlight it does not exceed a percentage alteration of 20%. Any change in sunlight amenity to these areas is therefore considered to be negligible.

Area C, which forms one of 6 Hampstead Hill Gardens' two outdoor amenity areas, currently receives at least 2 hours of direct sunlight to 77.3% of its total area on the 21st of March. Following construction of the Proposed Scheme this percentage is reduced to 46.1%, falling marginally short of the BRE's recommended 50%. However, during the majority of the Spring and Summer Months (from 21st of April to 21st of September), 84.9%-97.3% of its total area will receive at least 2 hours of direct sunlight throughout each day. On the 21st of June, when the area is most likely to be occupied, there is no perceptible change in the total area which will receive at least 2 hours of direct sunlight.

### Conclusions

The proposed development at 4B Hampstead Hill Gardens demonstrates full compliance with BRE daylight (VSC and NSL), and sunlight (APSH) guidance and thus will not materially affect the daylight and sunlight amenity within any neighbouring properties.

Further, the proposed development will have a negligible effect upon the availability of direct sunlight to a majority of surrounding outdoor amenity areas throughout the year, particularly during the summer months, when they are most likely to be occupied.

In addition, the Delegated Report has failed to identify the improvements the proposals will make on its adjoining neighbours. The existing house at 4b has the living spaces at 1st floor level (Figure 36). This overlooks the garden of No. 4 Hampstead Hill Gardens and when the windows are open provide oblique views over the garden of 4a, outbreak of noise and light spill. The proposals relocate the living spaces to the ground (Figure 37) and basement level. The proposals will only have bedroom spaces overlooking these gardens thereby reducing the period of the day

these spaces effect the adjoining private amenity spaces.

As a result it is my opinion that the proposals do not have a harmful effect on the adjoining occupiers. The changes to their outlook are of little difference and cannot be deemed to create '*a serious loss of outlook for the occupiers of 4a Hampstead Hill Gardens*' as suggested in Paragraph 55.5, line 4 of the Delegated Report.

## 6.0 Summary



Figure 38: Photograph of the existing 4b Hampstead Hill Gardens



Figure 39: Appeal Scheme Proposal - Illustrative Street View 1

- 6.1 The 2-3 storey redevelopment proposal makes a positive contribution to the street and Conservation Area. The height, bulk and scale are sympathetic to the larger grand villas that characterise the street (Figure 26). This is achieved by remaining subordinate as well as providing a more resolved relationship with the eaves, ridge and recesses of the adjoining 4a Hampstead Hill Gardens than the existing building.
- 6.2 The additional floor space is desperately needed by the owners for their growing family which has necessitated creating accommodation within a pitched roof and dormers. Nevertheless the additional height has been minimised whilst ensuring minimum design standards are met so that the building facilitates the future well being of the family.
- 6.3 The height, bulk and scale are typical for a 4 bedroom house and are not excessive, particularly in relation to its surrounding context. The exterior of the building has been carefully considered so that details such as change of materials, string courses and cill heights align with the adjoining 4a. The materials proposed are of high quality and relate to the predominant materials used in the surrounding context. As a result the use of details and materials allow the proposals to mediate between the scale of the larger villa buildings and the lower scale of 4a.
- 6.4 The proposals do not harm the amenity of 4a, the affect on daylight and sunlight is acceptable and the minor impact on their outlook will not effect the use of their amenity. To the contrary there is likely to be less noise and over looking as a result of living spaces relocated from 1st floor level to ground floor and basement level.
- 6.5 The existing building is not identified as a positive contributor to the Conservation Area and the local authority supported its demolition in the pre-application process. The proposed building represents a vast improvement in quality to the existing building which . Its modern detailing and the use of high quality materials creates an exemplary contemporary design which responds to the character of the Conservation Area (Figure 38 & 39)
- 6.6 Based on the rationale provided within this evidence, it is my opinion that the proposed 2-3 storey scheme is acceptable as it enhances the character and appearance of the street-scene and Hampstead Conservation Area.