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80-83 Long Lane,
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Via Planning Portal Only

23rd November 2021

Dear Sir/Madam,

PLANNING APPLICATION - THE TOWN & COUNTRY PLANNING ACT 1990

REPLACEMENT OF EXISTING GARAGE WITH NEW BUILDING TO PROVIDE LIVING ACCOMMODATION WITH GARDEN ROOF TERRACE AND BASEMENT TO INCORPORATE GARAGE AND CINEMA, SINGLE STOREY LINK EXTENSION TO EXISTING HOUSE, 3RD FLOOR EXTENSION, 4TH FLOOR ROOF TERRACE AND EXTERNAL ALTERATIONS TO FRONT OF PROPERTY.

8A HAMPSTEAD HILL GARDENS, LONDON, NW3 2PL

Please accept this covering letter as an accompaniment to this planning application for the above proposed works at 8a Hampstead Hill Gardens, London, NW3 2PL ('the site'). This letter provides a summary of the site and the proposed development.

Please also find enclosed for your consideration a completed application form, CIL Form, full set of existing and proposed plans, Design and Access Statement, Legal Opinion on Camden Local Plan Policy A5, a Basement Impact Assessment Report, a Basement Structural Method Statement and Drainage Strategy, Arboricultural Impact Assessment, a Daylight and Sunlight Assessment and a Draft Construction Management Plan.

The site:

The site is located on the south side of the loop which forms Hampstead Hill Gardens and comprises a five-storey (lower ground, ground, first, second and third floors) townhouse. The property is attached to no.8 Hampstead Hill Gardens which is a large four storey building comprising 8 flats. The site also includes a large detached 8 car garage to the rear of the property which is accessed by a vehicular access to the south side of the property. The garage includes a roof terrace above which is accessed by two staircases. To the front of the property is a sloped driveway that provides access to an integral garage to the lower ground floor of the building.

The site is located to the south-east of Hampstead Village and lies within the Hampstead Conservation Area. The existing house is not listed and is defined within the Hampstead Conservation Area Statement as being a neutral contributor to the character of the area. Located to the rear of the site are the grade II listed properties of 2 and 4 Hampstead Hill Gardens, whilst to the north west of the site the properties from 1-11 Hampstead Hill Gardens are also grade II listed.

Hampstead Hill Gardens and the immediate surroundings is primarily characterised by residential development, including a mix of single dwellings and houses which have been converted into apartments.

The site is located within the Hampstead Neighbourhood Plan Area.

Pre-Application Advice

A request for formal pre-application advice (**2021/29847/PRE**) was submitted to the Council in June 2021 in respect of outline proposals for proposed extensions and alterations to the property. As part of this process a virtual meeting was held with the Planning Officer attended by SM Planning, Hayhurst & Co Architects and the applicant.

A written response was received from the Local Planning Authority on 15th October 2021 with a follow up site meeting held with a Principal Planning Officer on 27th October 2021.

The main issues raised during the pre-application were in relation to a consideration for the development to have regard to the potential impact on the Conservation Area and neighbouring residential amenity. Specifically, the feedback raised comments to the proposed 4th floor glazed roof extension, the size of the living accommodation extension that replaces the garage building, and the size of the basement extension with regard to the application of Policy A5 (Basements) of the Camden Local Plan (2017).

In response and further to the pre-application advice, the proposals have been developed incorporating the following changes/additional information as part of this application:

- Reduction in on-site parking area
- Omission of swimming pool from roof terrace and replaced with additional planting
- Increased planting to roof terrace to rear of site to enhance views from Hampstead Hill Gardens
- Inclusion of permeable surfaces to areas of existing hardstanding
- Amended design to third floor extension to reduce amount of glazing visible from the street
- Removal of proposed fourth floor glazed roof extension
- Additional information provided on overall development footprint of extensions, and
- Additional information in relation to application and assessment of Policy A5 to proposed basement extension.

The proposal:

The existing property at 8a Hampstead Hill Gardens is in very poor condition and has had little or no maintenance undertaken since it was first built in the 1970's. The property has fallen into disrepair and is therefore in need of restoration and redevelopment. The applicant intends to occupy the property once the development is completed.

This application seeks planning permission for proposed alterations and extensions to the existing residential property at 8a Hampstead Hill Gardens. The development can be described as:

'Replacement of existing garage with new building to provide living accommodation with garden roof terrace and basement to incorporate garage and cinema, single storey link extension to existing house, 3rd floor extension, 4th floor roof terrace and external alterations to front of property'.

In detail, the proposed development includes:

- Rear extension to replace existing garage to provide living accommodation with single storey link to existing house;
- Landscaped garden roof terrace above rear extension;
- Basement accommodation beneath footprint of living accommodation extension to provide new cinema room, gym, plant room and garage to house displaced car parking spaces. The garage will provide a reduced number of parking spaces compared to the existing garage and will be accessed via a car lift;
- Part solid, part glazed third floor extension;
- Creation of new 4th floor roof terrace contained by a 1.2m high raised parapet wall; and
- External alterations to front of property to include replacement timber windows, cleaning and repointing of brickwork, and removal of ramped driveway to provide a planted front garden.

For full details please refer to the supporting plans and the Design and Access Statement prepared by Hayhurst & Co Architects.

Planning Policy

National Planning Policy

The National Planning Policy Framework (NPPF) (2021) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development which incorporates three specific strands – economic, environmental, and social. The following sections are relevant to the consideration of this application; Section 11 (making effective use of land), Section 12 (achieving well designed places), and Section 16 (conserving and enhancing the historic environment).

Local Planning Policy

The adopted Development Plan for the London Borough of Camden comprises the London Plan (2021), the Camden Local Plan (2017) and the Camden Planning Guidance (CPG) Documents. Also of relevance is the Hampstead Conservation Area Statement (2001) and the Hampstead Neighbourhood Plan (2018). The following policies are considered relevant to the consideration and determination of this application:

Camden Local Plan (CLP) 2017

- Policy A1 - Managing the impact of development
- Policy A2 - Open space
- Policy A3 - Biodiversity
- Policy A4 - Noise and vibration
- Policy A5 - Basements
- Policy D1 - Design
- Policy D2 - Heritage
- Policy T1 - Prioritising Walking, Cycling and Public Transport
- Policy T2 - Parking and Car-Free

Hampstead Neighbourhood Plan (HNP) 2018

- Policy DH1 - Design
- Policy DH2 - Conservation Areas and Listed Buildings
- Policy NE4 - Supporting Biodiversity
- Policy BA1 - Basement Impact Assessments
- Policy BA2 - Basement Construction Plans
- Policy BA3 - Construction Management Plans
- Policy TT4 - Cycle and Car Ownership

Camden Planning Guidance (CPG) 2021

- Home Improvements CPG
- Amenity CPG
- Design CPG
- Basement CPG
- Transport CPG

Planning Assessment

Principle of Development

Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The site comprises a building in

residential use as a single dwelling and no changes are proposed to the established use class. In such locations, there are no development plan or national planning policies that restrict the extension or alteration of residential properties in principle, subject to the consideration of all other detailed matters.

Design and Heritage Impact of extensions and alterations

Camden Local Plan (CLP) Policy D1 requires development to be of the highest architectural and urban design quality and have particular regard to design and visual impact and to the context within which it is placed, and the contribution it makes to the landscape qualities of the area. The aim of this policy is reflected in London Plan Policy D4 (Good Design) and Hampstead Neighbourhood Plan (HNP) Policy DH1. Specific guidance in relation to extensions to existing properties and achieving good design is further provided in the 'Home Improvements' and 'Design' Camden Planning Guidance (CPG).

CLP Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and Listed Buildings. These aims are further reflected in London Plan Policy CH1 (Heritage Conservation and Growth) and HNP Policy DH2.

The proposed living accommodation extension is similar to the existing scale of the garage building with the proposed level of the roof terrace similar to the existing roof terrace. The replacement of the existing concrete garage structure with a purpose-built living accommodation extension will vastly improve the appearance of this existing property, and by virtue of a green and landscaped roof re-establishes a rear garden to the property. The proposed landscaped/green roof will also help soften its appearance from neighbouring properties whilst providing valuable habitats to promote biodiversity. Furthermore, the provision of a green roof has significant environmental sustainability benefits by helping to cool the local microclimate and in playing a vital role in slowing the speed at which rainwater enters the drainage network.

Comments received during feedback from the Council identified that the replacement of the existing garage structure would be welcomed but that as it would effectively replace a structure of the same size, they have concerns to its scale. Firstly, it should be acknowledged that the existing building footprint is 195sqm and that the footprint of the living accommodation extension would be 205sqm. The overall increase is therefore nominal. Furthermore, should the raised planters to the north part of the existing garage roof be considered as part of the existing volume of the garage then the existing footprint would more likely be 225sqm and as such result in a reduction in 20sqm than the existing garage. The proposed living accommodation extension maintains the same distance from the rear of no.8 and its footprint is set 2.5m further back than the existing front elevation of the garage. For these reasons, the proposal results in a sensitive form of development which responds positively to the existing built form of the site and surroundings. A detailed analysis of these matters is outlined within pages 42 and 43 of the supporting Design and Access Statement.

The proposed link extension connects the existing house to the proposed living accommodation extension. The single storey scale of this link and domestic scale, at a depth of 3.9m, maintains a

subservient appearance to the linked buildings whilst limiting the visual impact of the extension to the surrounding area and neighbours.

The proposed third floor extension is set behind the existing parapet walls whereby the extension will not project forward of the existing elevations or bring the upper floors closer to neighbouring properties. The extension is also set below the height of the main roof and will not compete visually with the scale and massing of the building. A raised planter is proposed to reduce the visual impact from the street. The extension is to be finished in glazing which visually contrasts to the existing building but in a way that is consistent with the architectural detailing of the existing building which features large timber framed glazed openings. To respond to the pre-application advice, a solid wall has been proposed in front of the extension to reduce the amount of glazing visible from the street.

A new roof terrace at the fourth floor is proposed which will be contained by a raised parapet wall. The existing brickwork will be raised by 1.2m, with a brick stock and bond to match the existing. In order to minimise any visual impact from the street scene the new roof terrace has been purposefully stepped back from the front elevation of the building. Precedent for this type of development has also already been established at Flat 7, 8 Hampstead Hill whereby permission (2019/2293/P) was granted on appeal (APP/X5210/W/19/3232754) for the creation of a terrace at the main roof level.

The replacement of the existing driveway with a landscaped front garden vastly improves the appearance of the property within the street and is consistent with neighbouring properties along Hampstead Hill Gardens. The existing timber windows to the front elevation are currently in a poor state and their replacement with new timber windows are sympathetic to this elevation.

In summary, the proposed extensions and alterations to the property represent high-quality design which is sympathetic to the character and appearance of the existing building and the Conservation Area. It is considered that the proposed works will enhance the quality of the host dwelling and consequently the townscape quality of the area. The development therefore complies with CLP Policies D1 and D2, the Design and Home Improvements CPGs, and HNP Policies DH1 and DH2.

For further details of the proposal and an assessment of impacts please refer to the supporting Design and Access Statement.

Basement to living accommodation extension

CLP Policy A5 - Criteria a-e and n-u

CLP Policy A5 (criteria a-e) states that the Council will only permit basement development where it is demonstrated that the proposal would not cause harm to neighbouring properties; the structural, ground, or water conditions of the area; the character and amenity of the area; and the significance of heritage assets.

In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment (BIA). As part of this assessment, it requires

criteria n-u of Policy A5 to be considered which requires the applicant to demonstrate a ‘very slight’ risk of damage to neighbouring properties, to avoid adverse drainage or water environment impacts, avoid harm to amenity of neighbours, to provide satisfactory landscaping and soil depth, avoid harm to the property or established character of the area, protect archaeological remains and not prejudice the ability of the garden to support trees where are part of the character of the area.

Camden’s adopted Planning Guidance on basements (CPG Basements) provides further detail on the application of that policy. HNP Policy BA1 further requires all basement developments to be accompanied by a Basement Impact Assessment.

In light of those requirements, a full BIA Report has been prepared by Soiltechnics (November 2021) in support of the application which demonstrates that there would be no adverse residual or cumulative stability, hydrological or hydrogeological impacts to either neighbouring structures or the wider environment as a result of the development. Please refer to the supporting BIA and the assessment carried out within the Design and Access Statement on pages 44 and 51 with regard to the above criteria.

CLP Policy A5 - Criteria j-m

In addition to the above, CLP Policy A5 states that the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property, and provides a set of specific criteria (criteria j-m) which needs to be met.

The Council implied in their pre-application response that for the purposes of the application of CLP Policy A5 that the host building should be taken as the existing town house. However, it seems illogical to view the original townhouse as the host building when the basement is not actually beneath that building. There is no definition provided as to “host”. Indeed, the applicant has obtained legal counsel which concludes that it would be correct for the area occupied by the existing garage (to be come the new living space) to be considered the host building for the purposes of the application of CLP Policy A5, as it is this building which hosts the basement, and is not being provided under the original townhouse. Please refer to the Legal opinion from Daniel Kolinsky QC for full details which is attached as a separate submission to this application.

Taken from CLP Policy A5, criteria j-m states that basements should:

f. not comprise of more than one storey

Passes - The proposed basement is limited to a single storey (3.6m high) and will not comprise more than one storey.

g. not be built under an existing basement

Passes – The proposed basement is not built under an existing basement.

h. not exceed 50% of each garden within the property;

Passes – The proposed basement accounts for 49% of the existing garden area around the existing garage (excluding conventional front and side gardens to the existing house) and

therefore is below the 50% limit. (Please refer to page 46 of the Design and Access Statement for a detailed review).

i. be less than 1.5 times the footprint of the host building in area;

Passes – The host building (the living accommodation building that the basement is beneath) has a footprint of 195sqm. The proposed basement has a footprint of 252sqm. The proposed basement therefore has a footprint of 1.29 times the footprint of the host building and is below the 1.5 times threshold. (Please refer to page 47 of the Design and Access Statement for a detailed review).

j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;

Passes - This criterion is written for typical houses with rear gardens and where basements extend into the rear garden. It is not directly relevant to the proposal. In any case, the proposed basement does not extend further than 50% of the depth of the host building from any of the buildings elevations. (Please refer to page 48 of the Design and Access Statement for a detailed review).

k. not extend into or underneath the garden further than 50% of the depth of the garden;

Passes – This criterion is written for typical houses with rear gardens and where basements extend into the rear garden. It is not directly relevant to the proposal. In any case, in most areas, the proposed basement development sits inside the 50% line. Where it does extend beyond the 50% line it is for practical constructional reasons, including:

1. where the proposed basement extends beyond the 50% line to the boundary with No.6 Hampstead Hill Gardens this avoids two contiguous foundations against the neighbour's boundary, results in a simpler construction sequence and will have less impact on the neighbours.
2. Where services cross-overs take place into the basement level plant room.

This criterion is therefore practicably met given the constraints of the site and the intentions of the policy. (Please refer to page 48 of the Design and Access Statement for a detailed review).

l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and

Passes – This criterion is written for typical houses with rear gardens and where basements sit under existing green spaces. The purpose of the policy is also to provide significant space free from basement development to enable water drainage and area for planting. In this instance the existing garage building extends along two of the existing boundaries (south and west), hard-standing against the land to the east and two small patches of soil to the north which have concrete underneath.

Below ground, most of the garden area across the site will now become a permeable surface with a net increase in the amount of permeable drainage. Above ground, all of the borders

around the basement will include planted borders where none exist. This includes a 600mm soil depth to allow for significant planting and allow a net increase in the amount of green space. In this context, the policy objective of criterion I is met.

m. avoid the loss of garden space or trees of townscape or amenity value

Passes – The proposed basement will not result in the loss of any existing garden space or result in the loss of any trees of townscape or amenity value. The proposal includes new trees and substantial areas of new planting.

As demonstrated above, the proposed basement meets the above criteria, and the principle of the proposed basement is therefore considered acceptable. For further details on a full assessment of how the proposed basement meets the requirement of CLP Policy A5 please refer to the Design and Access Statement (pages 44-51).

Basement Construction Plan

In addition to the provision of a BIA, CLP Policy A5 states that, where appropriate, a Basement Construction Plan, will be required. HNP Policy BA2 further advises that a Basement Construction Plan will be required where a particular construction method will need to be applied to ensure that there is no damage to the building, to neighbouring properties or the environment.

In accordance with these policy requirements a Structural Method Statement and Drainage Strategy (by Price and Myers) has been prepared to support the application. This is attached as a separate submission to this application and includes a detailed construction methodology, including appropriate control measures, which has been developed to ensure acceptable resulting impacts from the proposed works.

Neighbouring Amenity

CLP Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. The policy, along with CLP Policy A5 and HNP Policy BA3, also require the impacts of the construction phase of a development to be considered, including the use of Construction Management Plans for basement developments.

Further guidance is provided in CPG Amenity which sets specific standards of development with regard to amenity.

The design and height of the link extension has been kept as minimal to avoid potential impacts to neighbours whilst the level of the proposed living accommodation roof terrace is similar to the existing roof terrace and situated below the height of boundary walls. In view of the stark and hard landscaped appearance of the existing garage, it is also considered the outlook from neighbouring residents will be improved with views onto a green and landscaped roof terrace. The stepped planters have also been designed in a manner to achieve the required 25-degree light test when applied to the rear

windows to no.8. Therefore, by virtue of their size, scale and relationship to neighbouring properties, the proposed extensions and alterations will not have an adverse impact on neighbouring amenity though an overbearing impact or loss of daylight and/or sunlight.

The application is supported by a Daylight and Sunlight Assessment (prepared by The Chancery Group – 16th November 2021) which considers the impact of the development proposals on the nearest facing residential windows (those at 8 Hampstead Hill Gardens). The assessment confirms that there would be negligible impacts to 8 Hampstead Hill Gardens, following construction of the proposed development. Whilst the assessment is based on a computer model of the proposed development supplied by the architects on 6th October 2021, it should be noted the current external scale and massing of the proposals has not changed whereby there has been a requirement for the assessment to be updated. The assessment is therefore accurate with regard to the submitted proposal. Please refer to the Daylight/Sunlight Analysis for further details.

Privacy matters have been mitigated through good design and associated planting to ensure the proposed extensions and alterations do not overlook neighbouring properties. Specifically, the proposed amenity space to the living accommodation roof terrace has been located to the rear to avoid overlooking to the rear windows of no.8, whilst the terrace comprises a series of stepped planters to create a screen to safeguard privacy. Proposed landscaping and planting to the side boundaries of the terrace will further prevent overlooking to adjacent neighbouring gardens. It should also be highlighted that the roof terrace to the existing garage has no form of screening or landscaping, and therefore the proposed works will result in an improvement to the privacy of neighbouring occupiers. To the roof of the existing townhouse the proposed terrace has been set back from the front elevation of the building and designed with a raised brickwall to avoid overlooking to neighbouring properties or gardens.

To ensure residential amenity is not significantly impacted upon during construction, a Draft Construction Management Plan (CMP) has been submitted with the application which sets out several measures to mitigate potential impacts. It is acknowledged that a CMP is very much a working document which needs to be agreed, reviewed, and updated on a regular basis as the programme develops. Therefore, it is expected that this would be secured via a s106 legal agreement.

For the reasons outlined the development will have an acceptable impact on neighbouring amenity and complies with CLP Policies A1 and A5, and HNP Policy BA3.

Parking

CLP Policies T1 and T2 and HNP Policy TT4 highlight the importance of prioritising walking and cycling as a sustainable mode of transport and indicate that car-free development across the borough is a key aim. This is also echoed in the Transport CPG.

The existing site currently comprises 8 parking spaces to the rear garage building and 2 parking spaces to the front of the property by way of the integral garage and front driveway.

The parking space to the front of the site is to be replaced by a newly created landscaped garden and the integral garage to the existing residential unit is to be used as utility room, hallway and shower room. The proposed development seeks to re-provide some of the garage spaces in the newly formed garage basement although this will provide a reduced number than those currently provided in the existing garage.

The proposed development will therefore result in the net loss of car parking spaces to the property which complies with the Council's aspirations in seeking to reduce overall parking provision.

Whilst it is acknowledged that CLP Policy T2 requires all new developments within the borough to be car-free and that the Council will limit onsite parking to spaces designated for disabled people where necessary, the supporting text to the policy states that for redevelopment schemes, that if the existing occupiers are to return to the address when the development is completed the Council will consider retaining or re-providing existing parking provision. In this instance, the applicant, who is the owner of the property, will be a returning resident. It is therefore considered acceptable for the garage parking spaces to be re-provided.

Trees

CLP Policy A3 states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. It further requires trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development. This is echoed in the guidance contained in the Trees CPG. HNP Policy NE2 further seeks development to protect trees that are important to local character, streetscape, biodiversity and the environment.

In support of this application a Survey and Arboricultural Impact Assessment (by Simon Pryce Arboriculture) is attached as a separate submission. This assessment highlights that the proposed development will not result in the loss of any trees and vegetation of significant amenity, historic, cultural or ecological value, and it has been demonstrated how those trees to be retained will be satisfactorily protected throughout the development. For full details please refer to the supporting Arboricultural Impact Assessment.

Consultation with neighbours

HNP Paragraph 5.16 strongly encourages applicants to consult with neighbours prior to the submission of any application, with details of any comments received and any changes made to the application in light of those comments.

As part of the preparatory work towards the submission of this application, the applicant has undertaken the following consultation with local residents:

- May 2021 – applicant wrote to all the owners of the No 8 flats at 8 Hampstead Hill Gardens. Response received from only two of the flats, with concerns raised to the construction noise but noting that this would be inevitable.

- 30th May 2021 – applicant met with the head of the Hampstead Hill Gardens Residents Association and local resident (2 and 2a Hampstead Hill Gardens). The feedback received was initially positive. Further responses were received when the proposals were shared with the other members of the association with the main concerns raised to the basement works, noise from the swimming pool (now removed) and privacy issues from the roof terrace on top of the townhouse.
- June 2021 – applicant met with resident at 10 Hampstead Hill Gardens. The initial response was generally positive although some concerns were raised to the potential for overlooking from the garden terrace into their garden and noise from the swimming pool (now removed). With regard to overlooking, the applicant demonstrated to this neighbour that the any opportunity for overlooking would in fact be significantly reduced by the proposed development due to the panting proposed along the boundary with their neighbour.

In response to the comments received the proposed development has been designed to ensure that any potential impacts to neighbour amenity has been minimised. Specifically, the swimming pool has been removed and replaced with additional landscaping to address the concerns of overlooking and noise. A draft Construction Management Plan has also been submitted with the application setting out best practice working measures to limit noise and disturbance to neighbours during the construction phase.

Overall, and as set out in the neighbouring amenity section of this letter, the proposed development is a well thought out and designed scheme which will have an acceptable impact to neighbours with regard to daylight/sunlight, outlook and privacy.

Summary:

As demonstrated within this letter and supporting documents, the proposed works are considered to respond positively to the character and appearance of the conservation area and host property. The development fully accords with the development plan and national planning policy guidance, and it is respectfully requested that planning permission is granted.

I trust this letter and the enclosed documents provide you with sufficient information to determine the application but if you require any points of clarification or have any questions, please do not hesitate to contact me.

Yours faithfully

Stuart Minty
Director
SM Planning