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**Date: 15/10/2021**  
**Our ref: 2021/2847/PRE**  
**Contact: Kate Henry / Jennifer Dawson**  
**Direct line: 020 7974 3794**  
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Ian Pickup  
 80-83 Long Lane  
 London  
 EC1A 9ET

Dear Ian Pickup,

**Re: Flat A 8 Hampstead Hill Gardens London NW3 2PL – Extensions and alterations, including 3<sup>rd</sup> and 4<sup>th</sup> floor glazed extensions, single storey rear extension with link to main house to replace existing garage, excavation of basement below new rear extension**

Thank you for submitting the above pre-planning application enquiry on 07/06/2021 with the required fee of £460 on 14/06/2021.

## **1. Constraints**

- Hampstead Neighbourhood Plan Area
- Hampstead Conservation Area
- Article 4 – Basements
- Underground development constraints – Slope stability

## **2. Relevant planning history**

None relevant

## **3. Relevant policies and guidance**

[National Planning Policy Framework 2021](#)

[The London Plan 2021](#)

[Camden Local Plan 2017](#)

A1 Managing the impact of development  
 A2 Open space  
 A3 Biodiversity  
 A4 Noise and vibration  
 A5 Basements  
 D1 Design  
 D2 Heritage  
 T4 Sustainable movement of goods and materials

## Hampstead Neighbourhood Plan 2018

### Camden Planning Guidance

Amenity (2021)  
 Design (2021)  
 Home improvements (2021)  
 Basements (2021)  
 Transport (2021)

## Hampstead Conservation Area statement October 2001

### **4. The proposal**

Pre-application advice is sought for the following proposed works:

#### Basement

Excavation at rear of main building (below existing 8-car garage) to create space for car-parking (accessed by car-lift) and cinema room

#### Lower ground floor

Conversion of integral garage to living accommodation  
 Creation of single storey link from main building and erection of single storey extension to rear (to replace existing 8-car garage) (to provide living accommodation; 2x courtyards) with green roof and amenity space above

#### Upper ground floor

Landscaping to front and rear of building, including swimming pool and terraced area at rear (above new rear extension)

#### First floor

Internal works (planning permission not required)

#### Second floor

Internal works (planning permission not required)

#### Third floor

Glazed extension to front of building

#### Fourth floor

Glazed extension in centre of roof and new roof terrace on existing roof (towards rear of building)

#### General

Replacement windows  
 Re-pointing of brickwork  
 Replacement of ramped driveway with landscaped garden

## 5. Assessment

The planning considerations material to the determination of this application are as follows:

- Heritage and design
- Basement considerations
- Trees and landscaping
- Impact on neighbouring amenity
- Transport

## 6. Heritage and design

The application site is located within the Hampstead Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The application building (8a Hampstead Hill Gardens) is a modern addition to an existing red brick building. The red brick property at 8 Hampstead Hill Gardens (now subdivided to 8 flats) was renovated in the 1970s to correspond to the property 8a. 8a is of a modernist/brutalist architectural style unique in the context of the wider streetscape.

Most of the properties on Hampstead Hill Gardens date from the 1870s. The properties surrounding the application site consist mainly of red brick, 3 storey properties with basements. The application building is a 1970's addition to the street. The Hampstead Conservation Area Appraisal and Management Strategy 2001 (HCAAMS) notes that the modern additions to the street '*do not detract from the character of the street*'.

Policy D1 of the Camden Local Plan seeks to secure high quality design which respects local context and character and which preserves or enhances the historic environment and heritage assets in accordance with Policy D2. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. The policy notes that the Council will not permit development that results in harm to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Policy DH1 of the Hampstead Neighbourhood Plan requires development proposals to demonstrate how they respond and contribute positively to the distinctiveness and history of the relevant character areas identified in the plan, and requires development to respect and enhance the character and local context of the relevant character areas. Policy DH2 requires new development in conservation areas to take advantage of opportunities to enhance the conservation areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the conservation areas. It also requires that planning applications within conservation areas have regard to the guidelines in the relevant conservation area appraisal.

Policies H21 and H22 of the HCAAMS require any new development to be considerate to its context.

8a is a modernist building on a historic street. Design elements, such as the red brick, work as a continuation of the Victorian design and help the development blend into the surrounding environment.

### Extensions to the main house

The roof extension aims to consolidate the roofscape reintroducing the brutalist form. While the design of the roof extension is considerate to the context of the building, we have concerns about the amount of glass at the 4<sup>th</sup> floor level. It is officers' view that the glass box would be prominent in views from the street and would negatively affect the character of the street scene and the wider area, including the Hampstead Conservation Area. Policies H31 and H33 of the HCAAMS list the acceptable and unacceptable proposals for extensions at roof level. While this design would be appropriate for the context of the building the amount of glass at the height proposed is not appropriate in the context of the streetscape. As a result, officers consider that the design of the roof extension should be altered to reduce its prominence in the street scape or removed from the proposal. Furthermore, we consider the glass balustrades to be unacceptable.

Officers would be happy to discuss further options to extend the application building. We consider that the inclusion of more cement / red brick elements would create a more cohesive and contextually sympathetic extension.

### Other alterations to main house

The replacement of windows and re-pointing of the brickwork are likely to be considered acceptable, subject to the use of high quality appropriate materials.

### Works to front of building

The replacement of the ramped driveway with a landscaped garden is likely to be considered acceptable as this would have a positive impact on the character and appearance of the host building, the street scene and the wider area, including the Hampstead Conservation Area. Any formal application should be accompanied by full details of the proposed landscaping, including plant species etc.

### Works to rear of building

It is proposed to create a single storey link from the main building to connect to a rear extension that would replace the existing 8-car garage. The extension would provide living accommodation and 2x internal courtyards. There would be a basement below (discussed in more detail later) and a green roof and amenity space above.

The existing car park at the rear of the building detracts from the character and appearance of the application site and the Hampstead Conservation Area. Its removal is therefore welcomed. However, officers have concerns about the scale of the proposed replacement extension to the main building. While we recognise that it would replace a structure of the same size, the extension would occupy almost the entire plot, would not match the pattern of development in the wider area and would not be subservient to the host building. Paragraph 2.1.1 of CPG Home Improvements outlines that rear extensions

should respect the pattern of backland development in the wider area, and the HCAAMS Policy H11 also outlines that backland development will generally be considered unacceptable in the conservation area. Officers would be happy to discuss further options for the proposed rear extension. It should be smaller, to allow for additional greenery at the rear.

## **7. Basement considerations**

A single storey basement is proposed below the rear extension, to provide car-parking and a cinema room. Policy A5 of the Local Plan notes that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a. neighbouring properties;*
- b. the structural, ground, or water conditions of the area;*
- c. the character and amenity of the area;*
- d. the architectural character of the building; and*
- e. the significance of heritage assets.*

The policy notes that, 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 and where appropriate, a Basement Construction Plan.

Policy A5 also sets out specific criteria for basement development, as follows:

- f. not comprise of more than one storey;*
- g. not be built under an existing basement;*
- h. not exceed 50% of each garden within the property;*
- i. be less than 1.5 times the footprint of the host building in area;*
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;*
- k. not extend into or underneath the garden further than 50% of the depth of the garden;*
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and*
- m. avoid the loss of garden space or trees of townscape or amenity value.*

Policy A5 goes on to note that the Council will require applicants to demonstrate that proposals for basements:

- n. do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';*
- o. avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- p. avoid cumulative impacts;*
- q. do not harm the amenity of neighbours;*
- r. provide satisfactory landscaping, including adequate soil depth;*

- s. do not harm the appearance or setting of the property or the established character of the surrounding area;*
- t. protect important archaeological remains; and*
- u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.*

Policy BA1 of the Hampstead Neighbourhood Plan requires that all proposals for basements must undergo a thorough Basement Impact Assessment and that any impact must not exceed “very slight” on the Burland Scale 1. Policy BA2 requires a Basement Construction Plan to be secured, if planning permission is granted for a basement.

The proposed basement does not comply with Policy A5 insofar as it would exceed 50% of the rear garden area (criterion h); it would be more than 1.5 times the footprint of the host building in area (criterion i); it would extend into the rear garden further than 50% of the depth of the host building measured from the principal rear elevation (criterion j); it would extend underneath the rear garden further than 50% of the depth of the garden (criterion k); and it would not be set back from neighbouring property boundaries (criterion l).

CPG Basements (paragraph 2.5) is clear that the criteria of Policy A5 must be considered together and that the area where a basement may be developed is the smallest of the areas. It is recognised that this is an unusual site rather than a typical residential dwelling with a garden at the rear. Nevertheless, the fact the proposal fails so many of the criteria indicates that the proposed basement is too large, and therefore unacceptable.

You are advised to significantly reduce the size of the proposed basement so that it complies with Policy A5 of the Local Plan. Given the unusual nature of the site, it may not be possible to comply with all of the criteria. Officers are happy to comment further on revised basement proposals prior to the submission of a formal application.

If you do submit a formal planning application for a basement, a Basement Impact Assessment (BIA) will be required, in order for the Council to fully understand the impacts on drainage, flooding, groundwater conditions and structural stability etc. The BIA would be independently reviewed by Campbell Reith. CPG Basements provides further advice, and there is also advice available on our website: [Basement development](#).

## **8. Trees and landscaping**

Policy A3 of the Local Plan seeks to protect and secure additional trees and vegetation. The policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development.

Also, as noted above, Policy A5 of the Local Plan requires applicants to demonstrate that proposals for basements:

- r. provide satisfactory landscaping, including adequate soil depth;*
- u. do not prejudice the ability of the garden to support trees where they are part of the character of the area*

Policy NE2 of the Hampstead Neighbourhood Plan expresses the need to protect trees in the area as the canopy can reduce risk of flooding and also supports biodiversity in the area. The Neighbourhood Plan requires a development to provide space for future planting of trees. Policy NE4 supports biodiversity, encouraging permeable surfaces and considerate soft landscaping.

CPG Basements notes that basement development that extends below garden space can reduce the ability of the garden to support trees and other vegetation. It advises that applicants be mindful of the need to preserve or enhance the garden area for trees, other vegetation, and to support biodiversity. Sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. These margins should be wide enough to sustain the growth and mature development of the characteristic tree species and vegetation of the area. The Council will seek to ensure that gardens maintain their biodiversity function for flora and fauna and that they are capable of contributing to the landscape character of an area so that this can be preserved or enhanced.

Basement developments should provide an appropriate proportion of planted material to allow for rain water to be absorbed and/or to compensate for the loss of biodiversity caused by the development. This will usually consist of a green roof or detention pond on the top of the underground structure. It will be expected that a minimum of 1 metre of soil be provided above basement development that extends beyond the footprint of the building, to enable garden planting and to mitigate the effect on infiltration capacity. The use of sustainable urban drainage systems (SUDS) is sought in all basement developments that extend beyond the footprint of the original building. For further guidance on SUDS, please see CPG on Water and flooding.

In re-designing the proposed basement, consideration should be given to the existence of trees adjacent to the site (i.e. in neighbouring gardens) and the root protection zones of these trees. You should also explore the possibility of providing new trees and vegetation at the application site, as this is in keeping with the character of the wider area and would represent an improvement to the character of the rear of the application building.

Any formal application would need to be accompanied by an Arboricultural Impact Assessment which assesses the impact on any trees at or adjacent the site. Further guidance is available in CPG Biodiversity and CPG Trees.

## **9. Impact on neighbouring amenity**

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; noise and vibration; odour, fumes and dust; and impacts of the construction phase, including the use of Construction Management Plans. Policy A4 seeks to ensure that noise and vibration is controlled and managed. The Hampstead Neighbourhood Plan Policy BA3 also seeks to mitigate the effect of building works on neighbours through a thorough Basement Construction Plan.

CPG Amenity provides guidance on overlooking and privacy issues. It notes: *“The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings.”* Due to the layout of 8A Hampstead Hill Gardens and 8 Hampstead Gardens, there is potential for significant overlooking issues. The rear windows of 8 Hampstead Hill Gardens face the existing garage which would form part of the proposal. The CPG notes: *“It is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development.”*

The proposed single storey extension at the rear would replace the existing 8-car garage and is therefore unlikely to cause undue harm to neighbouring amenity in terms of loss of outlook, loss of light etc. The plans do not indicate where windows would be located. There may be issues of overlooking from the extension into the rear windows at No. 8. This should be considered in the re-design of the rear extension.

Officers also have concerns about the proposed amenity space above the new rear extension and the impact on occupiers of the flats at 8 Hampstead Hill Gardens, and other neighbouring properties, in terms of overlooking. The terrace could also create overlooking issues into the gardens of Nos. 2 and 10 Hampstead Hill Gardens.

The stepped planters are a positive element of the design as they create a pleasant outlook for 8 Hampstead Hill Gardens, while shielding some amenity issues. The steps also allow for sunlight to reach lower levels at 8 Hampstead Hill. The substantial planters at the rear of the terrace would also reduce visibility into gardens 2 and 10A Hampstead Hill Gardens, which is welcomed. In general, however, officers do have concerns about the creation of a large amenity area above the proposed rear extension.

With regards to the 3<sup>rd</sup> and 4<sup>th</sup> floor extensions, these are unlikely to cause undue harm in terms of overlooking or loss of light / outlook etc.; however, they may raise lightspill issues. As discussed above, officers do not support the use of extensive glazing for the proposed extensions. You are advised to consider a more ‘solid’ material, which would also reduce the potential for harmful lightspill.

If any plant is proposed (e.g. related to the basement or the swimming pool etc.) a Noise Impact Assessment should be provided with any formal submission to assess the impact on neighbouring properties. Please refer to Policy A4 of the Local Plan and CPG Amenity for further guidance on the Council’s current standards.

If planning permission were to be granted for a basement at the application site, it is likely that there would be disruption during the construction period, especially given the building’s location. Measures to reduce the impact of construction works would need to be outlined in a draft Construction Management Plan (CMP) to be submitted with a formal application. CPG Transport includes a link to the Council’s CMP Pro Forma.

## **10. Transport**

The application site has a Public Transport Accessibility Level (PTAL) of 4, which means it is reasonably well accessed by public transport. The application site is located within the



Hampstead and Vale of Heath Controlled Parking Zone (CA-H), which operates between 0900 and 2000 Monday to Saturday.

Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of car parking in the borough.

It is understood that 8a Hampstead Hill Gardens benefits from 1 parking space in the integral garage and 8 spaces in the garage at the rear (9 spaces in total). The Council's policies are clear that the re-provision of parking would only be considered for 'existing occupiers'. The re-provision of 9 parking spaces would be subject to the applicant demonstrating a need for on-site car parking and vehicular access for essential uses as per Policy T2 of Camden's Local Plan, and if planning permission were granted it might be subject to a legal agreement to prevent the occupiers of No. 8A renting out car-parking spaces to people outside of their family. In general, the Council would strongly encourage a reduction in parking at this location to support our sustainable transport policies.

Policy T4 promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road. As noted above, a draft Construction Management Plan should be submitted with any formal application, which addresses the removal of demolition debris from the site and the delivery of construction equipment and materials. It is likely that this would be secured by section 106 legal agreement if planning permission was granted.

## **11. Conclusion**

The works to the front of the building (i.e. the landscaping to replace the existing ramped driveway) and the re-pointing and alterations to windows are all likely to be considered acceptable if a formal planning application was submitted.

Officers have concerns about the extensive glazing at 3<sup>rd</sup> and 4<sup>th</sup> floor levels of the building, but would be open to discussing revised designs for extensions / alterations at these levels of the application building.

Officers also have concerns about the proposed rear extension to replace the existing garage structure, and the basement below including the car-lift. You are advised to significantly reduce the scale of the works to the rear, in line with the comments made above. You are also advised to explore opportunities for providing extra greenery at the rear of the site to increase biodiversity levels at the site and make a positive contribution to the character and appearance of the Hampstead Conservation Area.

**This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.**

If you have any queries about the above letter or the attached document please do not hesitate to contact Jennifer Dawson on **0207 974 8142**.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

**Kate Henry / Jennifer Dawson  
Planning Solutions Team**

Validation checklist

Application form (Householder application)  
Application fee (£206)  
Ordnance Survey map at 1:1250 with the application site outlined in red  
Existing and proposed elevations (1:50)  
Existing and proposed floorplans (1:50)  
Existing and proposed sections (1:50)  
Planning Statement  
Design & Access Statement  
Heritage Statement  
Tree Survey / Arboricultural Impact Assessment  
Daylight and sunlight assessment  
Noise Impact Assessment (if proposing plant)  
Draft Construction Management Plan  
Basement Impact Assessment