

10 December 2021



Patrick Marfleet  
London Borough of Camden



Our ref: 20079  
Your ref:

Dear Patrick

**LONDON BOROUGH OF CAMDEN: 2 GRANGE GARDEN, LONDON NW3 7XG**

**PLANNING APPLICATION REF: 2021/4584/P**

We write on behalf of the owners and occupiers of properties in Grange Gardens to register an objection to the proposal for the demolition of the annex building at the above address and its replacement with a 2 storey, split-level, single family home. For the reasons set out below the proposal is contrary to development plan policies and the application should be refused.

**Procedural matters**

In response to question 18 on the planning application form, which asks, "*are there trees or hedges on the proposed development site?*" the applicant's agent has answered "*No*". There is a dense group of trees within the site next to the western boundary which would be impacted by the proposal. The Council's planning application validation requirements stipulate that a tree survey or arboricultural assessment is required in these circumstances. There is no such report on the Council's website.

There appear to be substantive discrepancies in the application drawings. These are described under "other matters" below.

**Background**

The application site forms part of the residential curtilage of 2 Grange Gardens and is occupied by a single-storey, one room annex building that is partly built into the sloping ground and has an accessible grassed flat roof. This small building is contemporaneous with the properties in Grange Gardens, which were built in the early 1980s.

The western boundary of the application site forms the boundary of the Redington Frogna Conservation Area. The house immediately to the south, 14 Templewood Avenue, is grade II listed as is No.15 on the opposite side of

the avenue. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require the Council to pay special attention to the desirability of preserving and enhancing the Conservation Area and the setting of listed buildings, are key considerations in the determination of the planning application, as is Chapter 16 of the National Planning Policy Framework 2021.

### **Main planning considerations**

In our view the main issues requiring consideration are:

- (i) the effect of the proposal on the settings of heritage assets;
- (ii) the effect of the proposal on the character and appearance of its surroundings more generally;
- (iii) whether the proposal would provide acceptable living conditions for future occupiers of the proposal and the host property;
- (iv) the effect of the proposal on trees and biodiversity;
- (v) car parking and servicing.

### **Assessment**

#### *(i) Heritage Assets*

The application site forms part of the setting of the Redington Frogmal Conservation Area and the nearby listed buildings. Paragraph 200 of the Framework states that “*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”. Paragraphs 201 and 202 advise that proposals which would result in substantial harm should be refused and those that result in less than substantial harm should only be allowed if the harm is outweighed by public benefits.

The proposal would involve the demolition of the single-room, single-storey building and its replacement by a 2-storey, 3-bedroom house. It would occupy a significant proportion of the site and extend to within 2.5m of the Templewood Avenue boundary, less than 1m from the Grange Gardens boundary and 1m from the flank wall of No.2.

The Design and Access Statement concludes “*The presence of the proposal from the Templewood vantage point is not detectable due to extensive tree coverage behind a rising boundary wall*”. It is noted that the trees along the western boundary of the site currently largely screen the existing annex building (see photograph 1 at Appendix 1). However, the proposal would involve substantial new development close to the boundary, including excavation to create a small area of amenity space. This development would

be within the root protection areas and crowns of the trees. In the absence of clear evidence to the contrary, the proposal should be assessed on the basis that the boundary trees cannot be retained.

The trees next to the western boundary of the application site clearly positively contribute to the setting and character and appearance of the Conservation Area. The loss of the trees and erection of a 2-storey house very close to the boundary wall would result in clear harm to the significance of the heritage assets – harm that would not be outweighed by any public benefits.

Due to its siting and size the proposal is therefore contrary to Chapter 16 of the Framework, London Plan Policy HC1 and Policy D2 of the Camden Local Plan, which states that the Council will “*resist development outside of a conservation area that causes harm to the character or appearance of that conservation area*”; and “*preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s architectural heritage*”.

*(ii) Character and appearance*

The application site is situated at the entrance to a planned estate which comprises large houses set in a notably verdant environment including substantial mature trees. The existing annex building is an intrinsic part of the planned estate and, due to its modest size and siting next to the entrance, has the feel of a lodge or gatehouse. It is partly set into the ground and features an accessible grassed flat roof. Due to its size, siting and design, the annex is an inconspicuous element that is appropriate in this context.

By contrast, the proposal would be a highly conspicuous element in the street scene, compromise the pattern of development in the estate and have an overtly urbanising effect directly next to the estate’s entrance. In views from within the estate (e.g. view 5), the proposal would present a long, c.5m high blank, brick flank wall, which would be particularly unsightly and incongruous.

The application site, including the roof of the annex building, comprises garden space associated with 2 Grange Gardens. Camden Local Plan Policy A2(e) states that the Council will “*protect non-designated spaces with nature conservation, townscape and amenity value, including gardens*”. The supporting test (paragraph 6.37) states:

*Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area. The Council will protect such spaces in accordance with paragraph 74 of the National Planning Policy Framework. Gardens help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore they can be an important element in the character and identity of an area (its ‘sense of place’). We will resist*

*development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape.*

The space surrounding and on top of the existing building contributes to the character of the area. The proposal would result in a significant reduction in the amount of garden space associated with No.2 and, due to its siting and substantial footprint, it would result in the loss of trees and a form of development that provides negligible garden space.

For these reasons the proposal is contrary to Local Plan Policies D1 and A2 and Policy DH1 of the Hampstead Neighbourhood Plan. Amongst other matters, the former seeks high quality design that “respects local context and character” and “integrates well with surrounding streets and open spaces”.

*(iii) Living conditions*

The proposal would create a 3-bedroom house with a gross internal area of 176sqm, substantially above the national space standard for a 6-person dwelling (102sqm). Whilst the proposal may satisfy the quantitative requirement for private amenity space set out in the London Plan, paragraph 3.6.9 of the Plan states that “Private outside space should be practical in terms of its shape and utility, and care should be taken to ensure the space offers good amenity”. The only area of private amenity space within the proposal is the excavated space in the northern corner which would be overshadowed by a combination of the flank wall and boundary enclosure of 2 Grange Gardens, the proposed dwelling itself and the trees on the Templewood Avenue boundary – if retained. This area would not provide good amenity or utility for a 6-person family dwelling.

Whilst the living room within the proposal would benefit from dual aspect, the northern aperture would face the excavated garden area and both windows would look directly towards the boundary trees – assuming retention. The living room would have very limited access to natural light and outlook would be very poor. This situation would inevitably lead to pressure to prune or remove nearby trees.

Due to its siting, size and layout the proposal would result in unacceptable living conditions for future occupiers. It is therefore contrary to Local Plan Policies D1 and A1 which requires outdoor amenity space and housing that provides a high standard of accommodation. There is also conflict with the aims of the Council’s planning guidance in these respects.

*(iv) Trees and Biodiversity*

The planning records for 2 Grange Gardens indicate that a number of trees within the curtilage of the property are subject to Tree Preservation Orders. It



is not known whether the Order covers the trees within the application site. Notwithstanding this, section 197 of the 1990 Town and Country Planning Act places a specific duty on Local Planning Authorities to ensure that adequate provision is made for the preservation and planting of trees. This is reflected in Local Plan Policies A3 and D2, the latter of which states that the Council will preserve trees and garden spaces that contribute to the character and appearance of a conservation area.

The proposal would result in the loss of trees and garden space and due to the significant extent of development, excavation and hard landscaping would provide negligible scope for replacement vegetation. There would be a clear impact on biodiversity and conflict with Local Plan Policy A3 which seeks *"the protection of other features with nature conservation value, including gardens, wherever possible"*.

*(v) Car parking and servicing*

The Design and Access Statement states that, in response to pre-application comments from the Council, the car parking space has been "omitted for car free development". We note however that the southern end of the site includes a gate and an area that looks capable of comfortably accommodating a car. Grange Gardens is accessed via a narrow lane. Deliveries to, and waste collections from, the application site would block the lane resulting in inconvenience, disruption and possible highway safety issues.

**Other Matters**

There are substantive differences in the way the relationship between the scheme and the western boundary are depicted on the application drawings (see Appendix 2). Whilst street elevations 2GG P\_09 and P\_11 indicate that the top of the proposed dwelling would be between about 4.5m and 5m above the top of the wall, drawings 2GG P\_06 and P\_07 indicate that top of the proposal would be about 7m above the top of the wall and the living room floor level would be above the level of the top of the wall. Either the elevation drawings are wrong, and the proposal would be c.2m taller in views from the street, or the other drawings are wrong and there would need to be substantial excavation within the western part of the site for the proposal to be screened to the degree illustrated on the elevations. We also note that the application drawings do not include a full north-west elevation of the proposal so the extent of excavation and retaining walls in this area is not disclosed.

Yours sincerely



**APPENDIX 1**

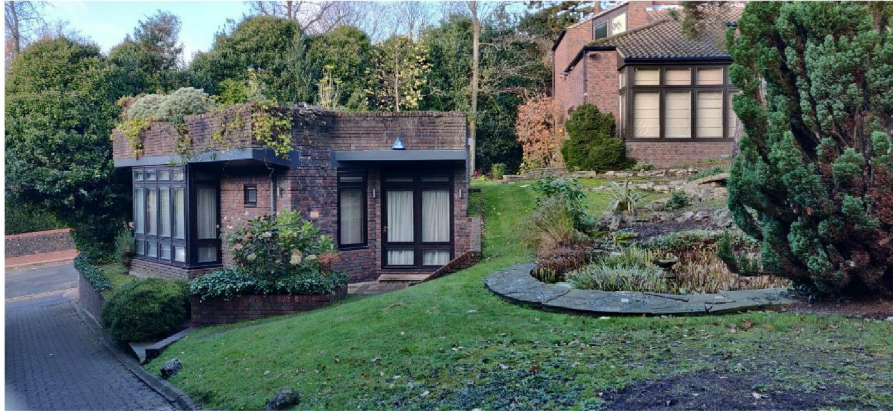


1. View of entrance to Grange Gardens from Templewood Avenue



2. View looking south along Templewood Avenue with the application site on the left-hand side of the road

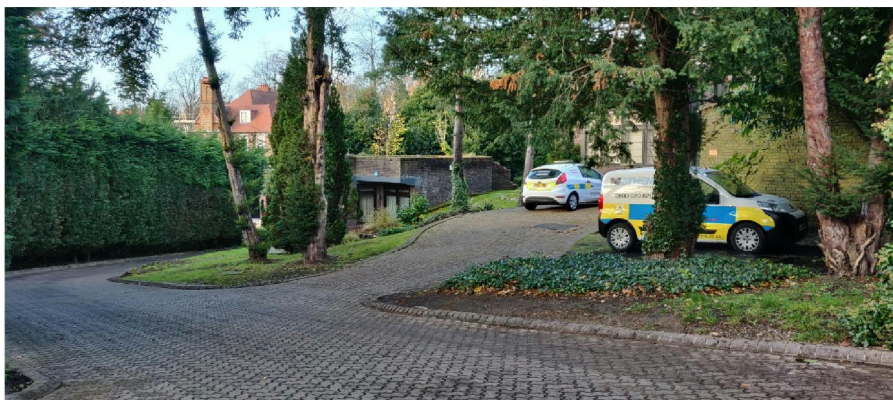




3. View from Grange Gardens

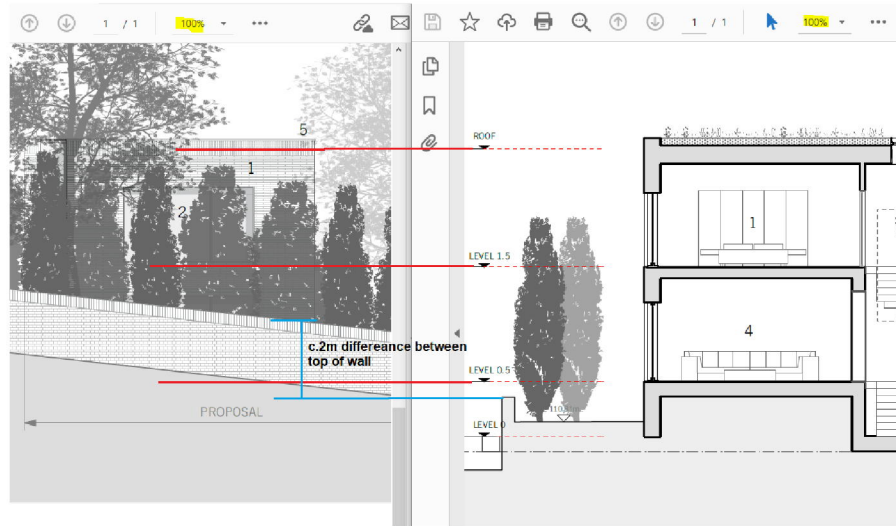


4. View from Grange Gardens



5. View from Grange Gardens

## APPENDIX 2



Comparison between drawings P\_09 and P\_06 showing a c2m difference between the top the of the boundary wall and pavement level.