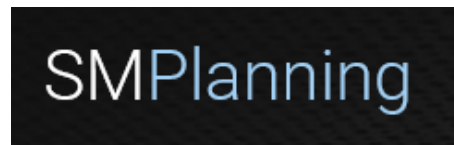


T: 07900 413080
DDI: 0207 692 0643

E: stuart@smplanning.com
W: www.smplanning.com



80-83 Long Lane,
London,
EC1A 9ET

2nd February 2022

Dear Kate,

Re: 2021/5750/P– 8A HAMPSTEAD HILL GARDENS, LONDON, NW3 2PL

Further to the submission of the above planning application, and following your consultation exercise, we remain committed to working with the community in order to ensure our submission allows a thorough and proper assessment of the proposed development to be made. Therefore, this letter has been prepared in order to avoid any confusion and offer clarity on our submission.

The letter provides a response to a number of matters raised by neighbours and other stakeholders received since the submission of the planning application.

In considering the objections, it is important to recognise that the existing site comprises an unsightly large concrete garage block which is in poor condition and that the proposed replacement extension is entirely positive both in terms of the visual enhancement to the character and appearance of the site and surroundings, to overall neighbour amenity and by seeking to re-establish an abundance of flora to the property.

Summary response to public objections

Firstly, it is worth noting that a number of representations have been received in support of the application and this is of course welcomed.

The following comments will however focus on the objections received through Camden's consultation phase. Many of the comments are repeated several times so instead of addressing each representation individually, we have commented below on the fundamental matters raised through the consultation.

Objection: Lack of landscaping/ space for future trees on site

The existing site comprises a concrete garage structure with surrounding hardstanding accessed by a driveway. There are two small triangular areas of soil to the north west boundary, which are about

50cm deep, have no planting and have concrete underneath. The entire site has no planting and is entirely impermeable.

In contrast, the proposed development results in a heavily landscaped roof terrace above the rear extension; and by virtue of a green and landscaped roof will re-establish an abundance of flora to the property. Above ground, all of the borders around the basement will include planted borders where none currently exist. This includes a 600mm soil depth to allow for significant planting and allows a significant net increase in the amount of green space. The proposed landscaped roof will soften the appearance of the site from neighbouring properties whilst providing valuable habitats to promote biodiversity. As a direct comparison, it should be noted that the proposal results in significantly more permeable ground and planting than that of the neighbouring property at 12 Hampstead Hill Gardens, which has paved over all of their front garden and most of their rear garden. 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.

Turning to the front of the property, the development proposals also seek to replace the existing hardstanding parking with a landscaped front garden.

Policy NE4 of the Hampstead Neighbourhood Plan seeks to enhance biodiversity and states that development proposals will be encouraged to increase canopy cover as part of any landscaping scheme and, where feasible, to increase areas of permeable surfaces. The policy seeks to increase landscaping but does not specify a target that should be met. The development thus meets the policy as clearly the proposed development results in a significant increase in landscaping and trees to the site, including opportunities for future planting.

To safeguard the specific areas identified for landscaping, conditions can be imposed to ensure a detailed landscaping scheme is carried out along with ensuring any landscaping is replanted should it fail within the first 5 years of the development.

Several objections consider that a reinstated garden (with the garage to be removed) should be sought. Whilst this position may be preferable to some neighbouring residents, the development should nevertheless be assessed on the scheme proposed and in accordance with Development Plan Policies, and having regard to the existing circumstances of the site.

The baseline condition of the existing site is that of an existing concrete garage with surrounding hardstanding which is in poor condition and is unsympathetic to the site and surrounding area. The lower ground floor windows of 8 Hampstead Hill Gardens currently look out onto a solid concrete wall which is in poor condition. Please refer to the photograph at the top of page 3.

The proposed development will result in a net gain of landscaping, planting and garden area which is a vast improvement to the existing site and the proposed development will enhance the character and appearance of the site and surrounding area, as well as improve neighbour amenity.



Objection: Glazed extension to existing property

Concerns raised by neighbours to the glazed extension to the existing property relate to the visual impact both in terms of design and light pollution, and potential for overlooking.

The proposed third floor extension is set behind the existing parapet wall, will not project forward of the existing front or side elevations and is set below the height of the main roof. The extension will not compete visually with the scale and massing of the building and a raised planter is proposed to reduce the visual impact from the street.

There are several properties within the Hampstead Conservation area comprising high-level glazing. Please refer to the example photo sheet attached at **Appendix i**. Contrary to the comments made, the proposed glazed extension is, in fact, smaller and less prominent than many others consented in the Hampstead Conservation Area consented in recent years and smaller and less prominent than other examples of high-level glazing in Hampstead Hill Gardens. The proposal is therefore entirely in keeping with the character and appearance of the conservation area.

Turning to the concern of light pollution, the expanse of glazing to the extension and light emanating from it, would be no greater than a typical large domestic window or those referenced examples in **Appendix i** and would therefore not be harmful to the amenity of the area. Further, it should be highlighted that the amount of light at night time from street lights is far in excess of the potential amount of light spill from this proposed extension. As a result, the light from the extension will not have a harmful impact on night time lighting both in terms of neighbour impact or the area generally.

Please refer to the photos below which demonstrates the bright existing street lighting to this part of Hampstead Hill Gardens.



Photographs: Street lighting in close proximity to 8a Hampstead Hill Gardens

In terms of overlooking, the glazed extension is no closer to neighbouring windows than the existing front elevation windows and will therefore not result in a loss of privacy to facing neighbours. It should also be highlighted that the proposed glazed extension will replace an existing terrace to this part of the property. By virtue that the existing terrace is designed for outward looking and the extension is an enclosed room for inward looking, the extension would in fact have a net decrease in overlooking potential.

Objection: Planning use class of garage is not C3/Proposal is for a new house

The existing garage is an ancillary building associated with the existing residential property at 8a Hampstead Hill Gardens. The garage and land to the rear of the property subject of this planning application therefore falls within Planning Use Class C3.

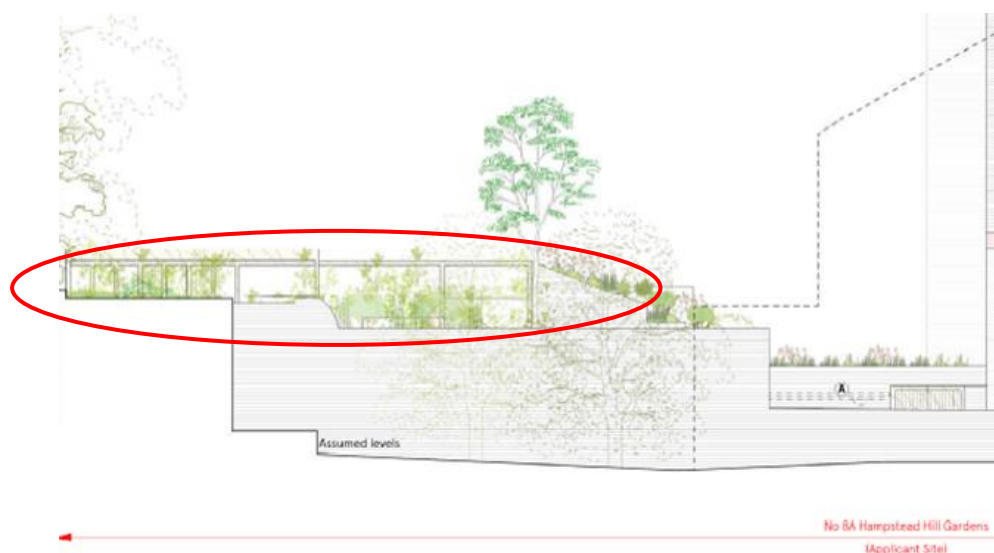
Concerns have been raised that once the rear extension has been built, some of the rooms will be converted to enable the property to be sold as two independent houses. This claim is unsubstantiated.

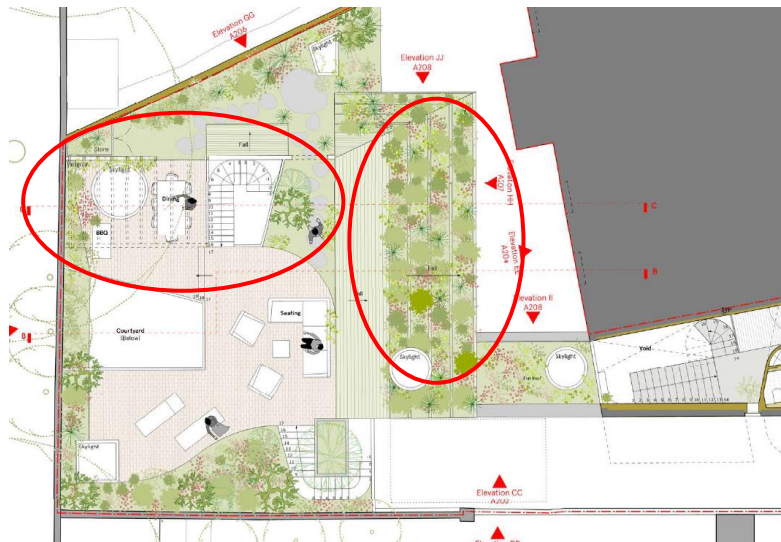
The proposed development is for an extension to the existing house and does not comprise a new dwellinghouse. The living accommodation is connected to the existing house and is to be used by the future residents of 8a Hampstead Hill Gardens as one property. Should the Council have concerns that the proposed rear extension was to be used as a separate dwellinghouse, a suitably worded planning condition could be imposed to control this.

Objection: Impacts of rear terrace on neighbour amenity

Objection letters consider that the raised height of the garage terrace and the boundary wall/partition will result in an overbearing impact/overlooking to neighbours. The neighbour at 10 Hampstead Hill Gardens has raised specific concerns to submitted drawing number 288-A203, whilst other concerns have queried the height of the existing garage/proposed new terrace level.

Firstly, it should be identified that the neighbour from no.10 seems to have misinterpreted drawing number 288-A203. They have mistakenly considered the pergola structure and stepped planted terrace to represent an increase in the height of the side boundaries to the terrace. This is not the case. The extracts below (taken from drawing numbers 288-A203 and 288-A102 and outlined in red) shows the planted terrace is stepped in from neighbouring boundaries and that the pergola, which is an open lightweight structure and which is stepped in from two of the three boundaries, would not be visually overbearing to neighbours. The proposed development will therefore not result in an increase in boundary wall height.





Turning to privacy, the existing roof terrace has no landscaping areas to provide any physical separation to prevent residents standing immediately adjacent to the boundary with neighbours. Views into the neighbouring gardens are therefore currently unmanaged/uncontrolled.

To demonstrate that the proposed development will not result in a loss of privacy to neighbouring gardens, please refer to the boundary conditions sections plan attached at **Appendix ii**. This has been prepared in response to the objection to demonstrate that whilst the proposed terrace floor level will be nominally higher (approx. 400mm), the proposed development will prevent overlooking into neighbour gardens and vastly improve privacy levels by virtue of the deep and dense planting proposed. **Appendix ii** also highlights that the proposed access route to roof terrace is no longer directly in front of the lower floor windows to no.8 Hampstead Hill Gardens, and has been improved with two new routes of access to alleviate concerns of privacy to these neighbouring properties.

Concerns have been raised that the use of the terrace will result in noise disturbance to neighbours. It should be acknowledged that there are no current restrictions of the existing garage roof to be used for existing occupiers. As such, the residents could use, and have used, this space as an external amenity space. In any case, the terrace is proposed for the use of a single household and in that respect would be used no more, or for purposes any noisier, than a typical rear garden. The use of the terrace as a private residential garden would therefore not result in noise or levels of activity that would be harmful to neighbours, and has actually been designed to push the usage of the terrace further away from neighbouring boundaries, particularly to no.8 Hampstead Hill Gardens.

A neighbour objection considers there will be a loss of light to the lower ground floor flats of 8 Hampstead Hill Gardens. The Daylight and Sunlight Assessment (prepared by The Chancery Group – 16th November 2021) submitted with the application confirms that there would be negligible impacts to 8 Hampstead Hill Gardens.

Objection: Basement works may impact foundations of neighbouring properties.

The application has been submitted with a detailed Basement Impact Assessment and a Structural Method Statement and Drainage Strategy which concludes that with appropriate controls, the

potential damage to adjoining properties can be limited to Burland Category 1 (very slight risk). This is in accordance with Camden Planning Guidance and Policy on basement development.

The proposed basement has therefore designed to meet the required specifications with regard to potential impact to neighbouring buildings.

Objection: Basement does not meet Camden Planning requirements

Concerns have been raised to the size of the proposed basement. A detailed assessment of the size of the basement and how this complies with Camden Planning Policy and Guidance has been set out within the covering letter, the design and access statement and legal opinion.

A neighbour objection claims that the proposal results in a double level basement. This is not correct. The existing garage is located at lower ground floor level (not a basement) and the proposed basement is not to be built under an existing basement. The proposed basement is limited to a single storey (3.6m high) and will therefore not comprise more than one storey.

Objection: Potential impacts to ground water/drainage

The existing drainage situation at the site is poor. The site comprises existing drainage channels to the area between no.8 and the existing garage which are currently blocked and unable to drain. The proposed development seeks to replace/high pressure jetting these channels and connecting pipes to improve drainage. In addition, a maintenance strategy is proposed to prevent drainage channels from being blocked in the future.

Sustainable urban drainage including a green roof and an attenuation tank are proposed to reduce run off rates and to store surface water before discharging into the combined sewer on Hampstead Hill Gardens road. The submitted Structural Method Statement and Drainage Strategy raises no concerns to future drainage or flooding issues. The proposed development will therefore result in a significant improvement to existing drainage at the site.

Objection: Proposed works will have impact on neighbouring trees

A Survey and Arboricultural Impact Assessment (by Simon Pryce Arboriculture) has been submitted with the application. The 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.

The Hampstead Hill Gardens Residents' Association question the accuracy of the submitted Arboricultural Report. In response, measurements are explained in the survey notes on page 8 of the report, and the Arboricultural Consultant has reviewed the report, photographs and their notes and maintain that the dimensions and conclusions of the report are accurate.

Objection: The Draft Construction Management Plan appear incomplete

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.

Objection: Overdevelopment of the site

The footprint of the proposed extension is, more-or-less, the same size as the existing building it replaces. The eastern perimeter of the new ground floor accommodation follows the same line as the existing garage and the raised ground adjacent to the north-western boundary. The proposed link sits directly behind 8a and the footprint of the extension where it meets the boundary with No. 10 is set back by 2.5m: this will, in fact, reduce the visual impact of the building when seen in the streetscene when compared with the existing building. In conclusion, this will appear as less development rather than more.

Turning to the stepped planters, this feature provides privacy to and reduces overlooking to the occupiers of 8 Hampstead Hill Gardens and has been designed sensitively to avoid any loss of outlook or daylight/sunlight to any facing windows. The nominal increase in the terrace level will not be perceptible to neighbours as the terrace is at a lower height than the existing boundary walls and the usable terrace area is now significantly pushed back from the boundaries due to the proposed planting around the border. The footprint of the proposed development therefore does not significantly reduce the space which currently surrounds the existing garage building and would not result in an overdevelopment of the site.

Finally, it should be highlighted that the proposed development will result in the removal of an existing raised concrete planting structure to the north west boundary which will increase the space around the building footprint and result in an improvement to the outlook of the window to Flat 1, 8 Hampstead Hill Gardens. Please refer to the photograph below which shows the raised concrete planter (viewed from the rear of no.8 Hampstead Hill Gardens) to be removed as part of the proposals.



Objection: Diminution in the value of the flats at 8 Hampstead Hill Gardens

The potential impact of proposed development on property values is not a valid material planning consideration and should therefore be disregarded.

Objection: Disruption caused during construction

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.

Summary

For the reasons outlined above, in conclusion;

1. The proposal will result in significantly more greenery and landscaping than the existing site.
2. The glazed extension is consistent with the character of other development allowed in the conservation area and would not cause any greater sense of overlooking or light spill.
3. The proposal does not have any impact on the privacy of the occupiers of No. 2, 2a and 6 HHG. The proposal *enhances* the level of privacy of the occupiers of No. 8 and 10 HHG.
4. A full BIA has been submitted which demonstrates that the level of potential damage will meet Burland Category 1 (very slight risk) and meet policy.
5. The size of the basement complies with Camden's policies as set out in the application documentation.
6. The proposal will not constitute over-development: it will appear as less developed from the streetscene and the nominal increases at terrace level are imperceptible.
7. There will be no impact on surrounding trees.
8. A full CMP can be secured through a S106 agreement.

Finally, it should be reiterated that the baseline condition of the existing site is that of an existing concrete garage with surrounding hardstanding which is in poor condition and is unsympathetic to the site and surrounding area. The proposed extensions and alterations to the property represent high-quality design which will enhance the quality of the site, the character and appearance of the conservation area and improve neighbour amenity.

I trust the above comments are helpful in your ongoing consideration of the application but please do let me know if I can clarify further.

Yours sincerely

Stuart Minty
Director
SM Planning

Enclosed:

Appendix i – Examples of glazed elements in the Hampstead conservation area

Appendix ii – Boundary/amenity conditions – Proposed sections