

Address:	14 Hampstead Hill Gardens London NW3 2PL		4& 5
Application Number(s):	i) 2020/2165/P ii) 2020/5187/P	Officer: Sofie Fieldsend	
Ward:	Hampstead Town		
Date Received:	i) 18/05/2020 ii) 11/11/2020		
Proposal: <ul style="list-style-type: none"> i) Retrospective erection of single storey lower ground floor rear extension and patio enclosed with railings. Retrospective alterations to front boundary wall including installation of railings and gate with access stairs to lower ground. Retrospective replacement fenestration in front lightwell ii) Retrospective alterations to rear garden landscaping including excavation and installation of artificial grass 			
Background Papers, Supporting Documents and Drawing Numbers: <ul style="list-style-type: none"> i) <u>2020/2165/P</u> Plans: A0.1; A0.2; A0.3; A0.4; A0.5; A0.6; A0.7; A0.8; A0.9; A0.10; A0.11; A0.12; A0.13; A0.14; A0.15 (All revised 19/7/21) Documents: tree constraints plan; Arboricultural impact assessment by Landmark Trees dated 21/8/20 and Sustainable Drainage Assessment ref. 74060R5 by SuDSmart Plus dated 5/5/22. ii) <u>2020/5187/P</u> Plans: A0.1 (dated 17.21); A0.2 (dated 17.21); A0.3(dated 17.21); A0.4 (dated 17.21); A0.5 (dated 17.21); A0.6 (dated 17.21); A0.7 (dated 17.21); A0.8 (dated 17.21); A0.9 (dated 17.21); A0.10 (dated 17.21); A0.11 (dated 17.21); A0.12 Documents: Sustainable Drainage Assessment ref. 74060R5 by SuDSmart Plus dated 5/5/22 and Tree report by Arbtech dated 8/9/20. 			
RECOMMENDATION SUMMARY: <ul style="list-style-type: none"> i) Grant conditional planning permission ii) Grant conditional planning permission 			
Applicant:		Agent:	
C/A		i) The Heritage Practice ii) London Residential Housing Ltd	

ANALYSIS INFORMATION - 2020/2165/P

	Use Class	GIA (sqm)
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Pre-existing	Residential	92.5
Proposed (As built)	Residential	126.5

OFFICERS' REPORT

Reason for Referral to Committee: The Director of Regeneration and Planning has referred the application for consideration after briefing members. The application was referred due to the number of objections summarised below and to allow the issues they raise to be debated in public.

1 SITE

- 1.1 The site is three storey (with lower ground) semi-detached property which has been subdivided into four flats and is located along the western side of Hampstead Hill Gardens. The surrounding area is residential.
- 1.2 The site is located within the Hampstead Conservation Area and while the building is not listed, it is recognised as making a positive contribution to the character of the conservation area. It is also located in the Hampstead Neighbourhood Plan area.
- 1.3 The site has a Public Transport Accessibility Level (PTAL) rating of 4 (good). The site is located close to Hampstead, Hampstead Heath and Belsize Park Stations.
- 1.4 The site location plan (Fig 1) and an image of the building (Fig 2) are below:



Figure 1 Site location plan

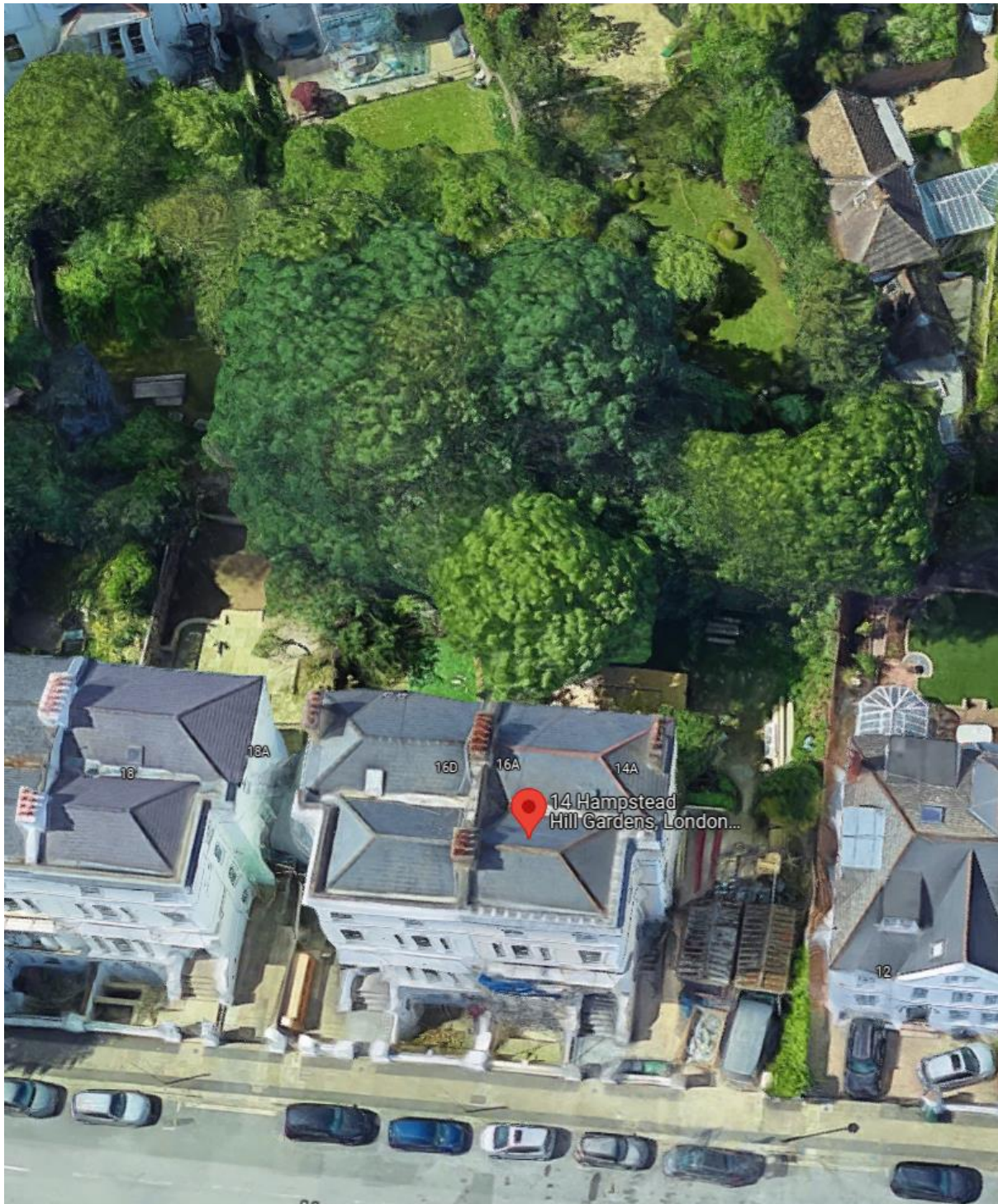


Figure 2 Aerial image of the building

2 THE PROPOSAL

2.1 Planning permission is sought for:

- i) Retrospective erection of single storey lower ground floor rear extension and patio enclosed with railings. Retrospective alterations to front boundary wall including installation of railings and gate with access stairs to lower ground. Retrospective replacement fenestration in front lightwell

- ii) Alterations to rear garden landscaping including excavation and installation of artificial grass (retrospective)

Background:

- 2.2 The application site has been subject to various recent development prior to planning permission being granted and therefore these two applications seek to retrospectively rectify these elements. For clarity ref. 2020/2165/P was re-consulted on with a revised description and plans to show that it was retrospective. Tree information was provided following feedback from the Council's Tree Team and a sustainable drainage report was provided for both applications.

Revisions:

- 2.3 During the lifetime of ref. 2020/2165/P, the following revisions were received:
- removal of the front proposed gate (not retrospective)
 - Tree details and a proposed replacement tree planting plan
- 2.4 During the lifetime of both applications the follow revisions were received:
- Pre-existing and as built plans to provide clarity that the development was retrospective.
 - updated to show level alterations for clarity
 - Drainage report updated to reference level alterations for clarity and to address flood risk

Other matters:

- 2.5 There are other elements of development on this site which are subject to open enforcement cases such as the air conditioning units and the demolition of part of the front boundary wall, and these are not included within these two applications. These will be dealt with either via enforcement action or future applications.

3 RELEVANT HISTORY

- 3.1 **2020/5383/T – REAR GARDEN: 1 x Horse Chestnut (T1) - Fell to ground level.–
Objection to works 13/01/2021**

Reason for objection:

The horse chestnut is highly visible from the street through a wide gap between properties. It is considered to provide visual amenity to the public and make a positive contribution to the character and appearance of the conservation area and. The tree has a Ganoderma bracket on the base indicating the presence of decay fungus which has been given as the reason for removal. However no information has been made available regarding the extent of the decay and that it has reached a point where removal of the tree is necessary. A tree preservation order has been served to protect the visual amenity the tree provides and preserve the character and appearance of the conservation area.

- 3.2 **2021/0807/T** – DD 5 Day Notice REAR GARDEN: 1 x Horse Chestnut (T1) - Fell to ground level. **Approve Emergency Works (TPO) 18/03/2021**
- 3.3 **EN20/0517** - works carried out prior to permission ref: 2020/2165/P
- 3.4 **EN21/0039** - An original boundary wall has been demolished to permit new off-street parking. An air conditioning unit has also been installed without permission. Other work undertaken without permission is the subject of 2 applications for retrospective work: 2020/5187/P and 2020/2165/P
- 3.5 **2021/1564/P** - Demolition of existing garages and erection of a three storey (plus basement) dwelling house and associated works and landscaping - **Pending decision**
- No.18**
- 3.6 **2012/2143/P** - Installation of railings and gates to existing front boundary wall of dwelling house – **Granted 25/06/2012**

4 CONSULTATION SUMMARY

2020/2165/P

- 4.1 Site notices were displayed on the 19/06/2020 and the consultation period expired on the 13/07/2020. A press notice was advertised on 25/06/2020 and expired on 19/07/2020.
- Re-consultation:
- 4.2 It came to light that the application was retrospective and description didn't cover all aspects of development. So further site notices were advertised on 12/02/2021 and expired on 08/03/2021. A further press notice was advertised on 18/02/2021 and expired on 14/03/2021.
- 4.3 7 objections were received during this consultation period from 2, 3, 9, 12, 16c, 16d and 18 Hampstead Hill Gardens.
- 4.4 The objections received from the neighbours cover the same concerns for both applications and often included both references on their objections.
- 4.5 Their objections can be summarised as follows:
- a) **Building works/plans**
- The owner has not initiated any discussions about the party wall, and no observations or checks have been made during this significant excavation to check structural integrity and/or subsidence.
 - Concerns about asbestos
 - No party wall agreement
 - The existing plans are not accurate
 - The work have already started

b) Trees

- Unacceptable damage to trees has been caused and additional planting is required to compensate as far as possible
- Tree roots have been damaged
- No tree report/drawings

c) New gate and railings

- The gate would harm the character and appearance of the pair of villas and the Conservation Area.
- New basement staircase and front door would mean frequent and high footfall
- New basement staircase and front door is a heightened security risk
- Loss of privacy to No.16D from the front stairs

d) Excavation

- There is no assessment of ground water or surface water problems for excavation of this scale. Flood risk concern
- There is no arboriculture assessment
- No construction management plan, risk assessment or noise assessment during works taking place
- No basement impact assessment

e) Extension rooflight would cause light pollution

Officer response:

- a) Party wall and building works matters are not a planning consideration but a building control matter. While the works are now retrospective the plans have been updated for clarity.
- b) See section 9: Trees/landscaping
- c) The application has been amended to address the objection and relocate the entrance gate to the side. No additional unit is being created and there is an existing door at lower ground it is not considered to have a detrimental impact in terms of footfall. The security risk is not considered material. The use of the external stairs are limited and unlikely to cause a material loss of privacy.
- d) The extension is built on an existing sunken patio and this patio is only extended by 1m. A Sustainable Drainage Assessment has been submitted as part of the application ref. **2020/5187/P**. An arboriculture assessment has been submitted as part of both the applications. The scale of the development doesn't warrant a CMP and the works do not require a BIA.
- e) See section 8.3

2020/5187/P

- 4.6 Site notices were displayed on the 16/12/2020 and the consultation period expired on the 09/01/2021. A press notice was advertised on 17/12/2020 and expired on 10/01/2021.

- 4.7 7 objections were received during this consultation period from 2, 3, 9, 12, 16c, 16d and 18 Hampstead Hill Gardens.
- 4.8 The objections received from the neighbours cover the same concerns for both applications and often included both references on their objections.
- 4.9 Their objections can be summarised as follows:
- a) Neighbour objected to the removal of the low wall leading from the front entrance
 - b) BIA should be provided
 - c) Flood risk/SUDS
 - Greater chance of flooding with SUDS AS 2m of soil has been removed
 - Flood risk not considered
 - d) Trees:
 - Concerns about excavation and retaining wall close to mature trees in neighbouring gardens causing severe root damage
 - artificial grass is not sustainable for the environment.
 - There was a failure to assess the flood risk which has been increased with the removal of vast amounts of soil and vegetation.
- 4.10 Officer response:
- See sections 9 and 10 for b,c,d: Trees/Landscaping and flood risk
 - The wall removal is part of a separate enforcement case see site history.

Amenity groups:

- 4.11 Hampstead Neighbourhood Forum were consulted and raised the following objection on ref. **2020/2165/P**:
- 1) The Forum is concerned about one aspect of this application: namely, the proposed breaking of the front boundary wall of the property in order to place a gate that would lead down new stairs to the basement flat. Instead they could have a gate and stairs leading down to the left of the front door. This has been done two doors along the street at No. 18.
 - We do not object to putting railings on the boundary wall, as has been done with many houses nearby
- 4.12 Following consultation they updated their objection as follows:
- 2) In a recent retrospective application for 42 Well Walk, Camden refused to allow a similar extension. It ruled that: 'The proposed ground floor extension, is within a conservation area, would extend beyond the rear wall by more than 3m, extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half of the original dwellinghouse contrary to Schedule 2, Part 1 Class A.1 (f), A.1 (j) and A.2 (b) and Paragraph A.1(j) of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).'
 - 3) Extension damages biodiversity corridor
 - 4) Extension does not protect neighbour's amenity or the conservation area policies NE2, NE3 and NE4

- 5) Applicant demolished the boundary wall to the right of the front door to use as off street car parking
- 6) An air conditioning unit also has been installed

Officer response:

- 1) *The application has been amended to address the objection and relocate the entrance gate to the side.*
- 2) *This is a prior permitted development application and not relevant to this planning application*
- 3) *See section 9.6*
- 4) *See sections 7.1-7.5 and 8*
- 5) *The agent has stated that this section of wall has been removed temporarily during works, the Council's enforcement team are monitoring the situation to ensure that this is the case*
- 6) *The Council's enforcement team have requested that a separate application be submitted for the air conditioning unit*

4.13 Hampstead Neighbourhood Forum were consulted and raised the following objection on ref. **2020/5187/P**:

- 1) Landscaping
 - The scouring of all vegetation to enable the installation of a swath of environmentally detrimental artificial grass and the subsequent harm to existing trees is contrary to Local Plan A3 and Hampstead Neighbourhood Plan (HNP) NE2, NE3 and NE4.
 - Landscaping is contrary to Camden Local Plan A3 (k), (l) and (m) and Hampstead Neighbourhood Plan Policy NE2, which requires development to protect trees that are important to local character, streetscape, biodiversity, and the environment.
 - Objects to the deep excavations that seem to depart even from the retrospective permission sought in 2020/2165/P.
- 2) Other comments submitted have highlighted the inconsistencies in this application
- 3) Other development not covered/proposed by these applications
 - An air conditioning unit also has been installed contrary to Local Plan Policy CC2, and paragraph 6.99, which requires applicants to demonstrate 'a clear need' and to consider the viability of more environmentally desirable alternatives.
 - The original boundary wall has been removed to accommodate off-street parking, in stark contradiction of HNP DH1, DH2 and Camden Local Plan D1, D2 and T2
- 4) Also objections to 2020/5383/T

Officer response:

- 1) See section 9
- 2) To ensure consistency these two applications have been decided together

- 3) These aspects do not form part of either application and are not shown on the plans. They are subject to a separate ongoing enforcement matter.

Heath and Hampstead Society raised the following objection on ref. **2020/2165/P**:

- Cutting a gate into or removing the wall and replacing with railings is not consistent with the style of and spoils the villas

Officer Response: The application has been amended to address the objection and relocate the entrance gate to the side. The railings on top of the existing wall are considered in keeping with the street.

Hampstead Hill Gardens Residents' Association raised the following objection on ref. **2020/2165/P**:

- 1) The creation of what is essentially a basement without a Basement Impact Assessment being performed:
- 2) Planning permission being sought only after neighbours have complained and after work has been completed
- 3) No party wall agreements are in place
- 4) Neighbours are also concerned about the potential risk of flooding given the removal of trees, plant life and which would have absorbed rainwater. No Assessment of Flood Risk has been conducted at the site, according to the planning application

Officer Response:

- 1) The application required some minor evacuation of 1m further to the rear of the existing sunken patio at lower ground floor. This does not require a BIA
- 2) The application was submitted prior to works but they were implemented before a decision was made
- 3) Not a planning consideration but a building control matter
- 4) See section 9 Trees and landscaping

5 POLICY AND GUIDANCE

5.1 National Planning Policy Framework 2021

5.2 The London Plan 2021

5.3 Mayor's Supplementary Planning Guidance

5.4 Camden Local Plan (2017)

- Policy G1 Delivery and location of growth
- Policy A1 Managing the impact of development
- Policy A2 Open Space
- Policy A3 Biodiversity
- Policy D1 Design
- Policy D2 Heritage
- Policy CC1 Climate change mitigation

- Policy CC2 Adapting to climate change
- Policy CC3 Water and Flooding

5.5 Camden Planning Guidance

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- CPG Water and flooding (2019)

5.6 Hampstead Conservation Area Statement (2001)

5.7 Hampstead Neighbourhood Plan (2018)

- Policy DH1: Design
- Policy DH2: Conservation Areas and Listed Buildings
- Policy NE2: Trees
- Policy NE3: Biodiversity Corridors
- Policy NE4: Supporting biodiversity

6 ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Design and heritage
8	Impact on the amenity of adjoining occupiers
9	Trees/landscaping
10	Flood Risk
11	Conclusion
12	Recommendation
13	Legal Comments
14	Conditions
15	Informatives

7 Design and heritage

- 7.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and

proportions of the existing building. Camden's design policies are supported by CPG Design and CPG Home Improvements. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area.

- 7.2 Policy DH1 of the Hampstead Neighbourhood Plan states that development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported. Policy DH2 states that new development should 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. In addition development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the conservation area.
- 7.3 Retrospective permission for the erection of single storey lower ground floor rear extension and patio enclosed with railings is sought. It is noted that there was a pre-existing sunken patio and a retaining wall at the rear of the property. The extension as built measures 4m deep, 8.7m wide and stands at 3.7m high to the top of the parapet. The existing sunken patio has been extended by 1m to retain a level access from lower ground floor, with external stairs leading up to garden level. This area is enclosed by 1m high railings. The extension is constructed with a white linear brick with metal fenestration.
- 7.4 The extension's scale is considered to be proportionate to the host property and its depth would not appear out of character with the prevailing pattern of development on this side of Hampstead Hill Gardens. The extension/patio retains sufficient rear garden space. It is noted that the extension is screened by a brick boundary wall (between the site and No.16) of 3.75m high and the extension sits below this.
- 7.5 The materials of the extension, although they do not match the existing dwelling, are contained to the lower level with no public views from the street and it will differentiate it as a modern addition, therefore it is acceptable.
- 7.6 At the front of the property retrospective permission is sought for the installation of front boundary railings on top of the existing wall with a new gate at the top of the new access stairs to lower ground floor. The light well and stairs are paved in sandstone. The proposal originally featured the creation of a new front gate (not retrospective) inserted into the front boundary wall, but following an objection from the Council's Conservation team this element was revised. The new railings are traditional in style and are in proportion with the host property and streetscene which is acceptable. External front stairs from ground to lower ground would not be out of character within the streetscene, a similar development can be found at No.18.
- 7.7 The existing side door and window at lower ground floor level beneath the main entrance stairs have been replaced. This replacement fenestration is considered acceptable.

- 7.8 The alterations to the landscaping are discussed in section 9: Trees and Landscaping. Overall, the changes retain the character of a verdant garden and so would preserve this part of the character of the conservation area. Whilst there is some artificial grass proposed, this only covers part of the garden with the rest soft landscaped with planting and turf with raised beds (secured by condition). As such, the landscaping works would comply with policy D2.

Design conclusion:

- 7.9 Overall it is considered that the revised proposal by reason of its scale, siting and detailed design, would not harm the character and appearance of the host building, rear elevations of the terrace and wider Hampstead Conservation Area. It is considered to comply with policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017. The Council's Conservation Officer raised no objection to the scheme.
- 7.10 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

8 Impact on the amenity of adjoining occupiers

- 8.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.
- 8.2 Given the siting and scale of the development and distance to neighbouring properties it is not considered that it would result in a detrimental impact on the neighbouring property's amenity in terms of loss of light, outlook, privacy or result in a sense of enclosure.
- 8.3 Concerns have been raised about the rooflight creating light pollution. The rooflight measures 3.65m wide by 2.6m deep. It doesn't occupy the full roof slope and it does not project above the high side boundary wall with No.16. It is considered that while there would be some limited light pollution it is set behind the extension's parapet and the side boundary wall and that the Council could not justify a reason for refusal on this basis.

9 Trees/Landscaping

- 9.1 Policy A3 of the Camden Local Plan seeks to protect and enhance sites of nature conservation including gardens and trees. Policy NE2 of the Hampstead Neighbourhood Plan seeks to protect trees that are important to local character, streetscape, biodiversity and the environment. Policy NE4 sets out that in order to enhance biodiversity that the development is encouraged to increase where feasible the area of permeable surfaces, particularly those that incorporate biodiversity-enhancing features.

- 9.2 A number of objections were received about the loss of trees, artificial landscaping, excavation and potential flooding risk in the rear garden.
- 9.3 The applicant had removed one tree from the rear garden without consent. A tree survey was provided showing 4 pre-existing trees in the rear garden. T1 (Category C), a small box tree in the rear garden of the property was removed unlawfully prior to determination. While the Council's Team consider that it is unlikely the tree would have been considered a barrier to development, the owner has a statutory obligation to replace it. The impact of the scheme on the other trees on site is considered to be of an acceptable level.
- 9.4 The removal of Tree T1 and lack of replacement initially caused concern. However, revised tree planting plans were received following meticulous negotiations with the Council's Tree Team to overcome this issue. Therefore on the site, three additional trees (two Hawthorn trees and one new common hornbeam tree) will be secured by condition on the site, in addition to the one tree secured by ref. 2021/0807/T. It is noted that the previous tree app ref 2020/5383/T was refused due to insufficient detail. All replacement trees will be either 14-16cm in girth or 16-18cm and set at least 1m away from any structure. As the planting season (Nov- March) is now over, the Council have conditioned the trees to be planted in the next planting season Nov 2022 – March 2023.
- 9.5 The Council's Tree team assessed the updated tree detail and landscaping and concluded that there is adequate replacement planting to ameliorate the loss of the one tree which were previously removed without consent. The replacement trees also include the replacement required for the horse chestnut which was removed due to the presence of extensive basal decay.
- 9.6 The site's rear landscaping was partially excavated to provide a level garden and artificial grass was installed. The edges of the site remain as planted. Following negotiation with the applicant, a details condition has been secured for a revised landscaping scheme to ensure that at least 50% of the rear garden space that is currently covered in artificial grass is returned to natural turf or soft landscaping. Conditions require that it should be replaced during the next planting section to ensure growth. It is considered to be a vast improvement in terms of biodiversity. Although not directly in the wildlife corridor identified in the neighbourhood plan it is across the road from it (see figure 3 below) and with this condition it is not considered to have a negative impact on the wildlife corridor.



Figure 3. Biodiversity corridor on the opposite side of the street to the application site

- 9.7 The amount of excavation is not considered to require a Basement Impact Assessment (BIA) and this was verified that it was not required by Camden's external BIA auditor Campbell Reith. It did not meet the criteria that requires a BIA as outlined in Policy A5 or CPG basements. The excavation is not considered harmful to the rear of the site, with limited views from the street.

10 Flood Risk

- 10.1 Policy CC3 of the local plan is relevant as it seeks ensure that development does not increase food risk and reduces the risk of flooding where possible.
- 10.2 The site is not located in a local flood risk zone and wasn't recorded as a Previously Flooded Street in the 1975 or 2002 flood events in Camden. However, the Lead Local Flood Authority (LLFA) officer has confirmed that on 12th July 2021 parts of Hampstead Hill Gardens reported flooding. The s19 Flood Investigation report by the LLFA expected to be available at the end of May will report on the cause of the flooding. However as there are strong indications that the road was subject to flooding from surface water, therefore relevant policies for areas at risk of flooding should be a material consideration. A Sustainable Drainage Assessment has been submitted for assessment in both applications. This document was revised to account for the retrospective level changes in the rear garden, the same conclusion was reached. Following the flooding event in July additional information was requested to be included in the report.
- 10.3 This additional information was required to understand the potential flood risk for different return period events, the flow routes for any exceedance events and any changes to flow routes from No12 as a result of the works, what flood mitigation measures having been considered for the extended basement (ref. 2020/2165/P) including a minimum 300mm barrier to flooding (freeboard) above the height of the highest expected water level , the existing run off rates

and proposed maintenance of the artificial grass to ensure that it does not become compacted or infiltration blocked over time which could reduce its permeability.

- 10.4 The proposal is for the retrospective replacement of an existing permeable rear garden with permeable artificial grass and planting and excavation to level the garden. There will be no increase in impermeable areas within the landscaping application, the artificial grass is designed to drain towards the centre where it will infiltrate to ground as per the existing situation. Raised planting areas are proposed surrounding the artificial grass to further prevent any runoff from flowing towards adjacent properties. The development will therefore create a reduction in flows running towards adjacent properties. However the impermeable area was increased slightly in ref. 2020/2165/P through extending the existing patio (11sqm total area). The additional runoff generated by the increased patio is considered to be negligible and will be directed into the existing drainage network.
- 10.5 The artificial grass is laid on top of 20cm of sand and gravel to replace the topsoil removed. The assessment has assumed that the re profiling of the site will not affect the near surface permeability and will allow rain water to infiltrate as existing without the need for installation of additional drainage under the artificial grass. The surface water runoff will continue to infiltrate to ground as per the existing scenario.
- 10.6 Given the proposed level alterations the site is lower than its neighbours however the boundary garden walls have been shown to be existing and the revised report confirms that no changes were made to the retaining walls. The flow of surface water from property no. 12 to no.14 will therefore not be altered and there will be no damming of surface water as a result of the development.
- 10.7 A condition is attached to ensure that the artificial grass is maintained in line with the manufacturers specification.
- 10.8 However, has outlined in the trees/landscaping section above at least 50% of the artificial grass installed will be replaced with soft landscaping. While the artificial grass is permeable when maintained in line with the manufacturers specification the re-provision of soft landscaping is welcomed as it doesn't require maintenance to ensure sufficient drainage.

11 CONCLUSION

- 11.1 The retrospective development is not considered to harm the character and appearance of the host property, streetscene or Hampstead Conservation Area nor the amenity of neighbouring properties. While the landscaping and extension were retrospective, the replacement trees and soft landscaping secured by condition are considered acceptable and on balance as discussed in the main body of the report the proposed landscaping in this instance is accepted. The retrospective works are not considered to increase flood risk on

the site or surrounding properties subject to the artificial grass being maintained in line with the manufacturers specification.

12 RECOMMENDATIONS

- 12.1 It is recommended to **grant conditional planning permission** for both applications

13 LEGAL COMMENTS

- 13.1 Members are referred to the note from the Legal Division at the start of the Agenda.

14 CONDITIONS

2020/2165/P

Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

A0.1; A0.2; A0.3; A0.4; A0.5; A0.6; A0.7; A0.8; A0.9; A0.10; A0.11; A0.12; A0.13; A0.14; A0.15 (All revised 19/7/21); tree constraints plan; Arboricultural impact assessment by Landmark Trees dated 21/8/20 and Sustainable Drainage Assessment ref. 74060R5 by SuDSmart Plus dated 5/5/22.

Reason: For the avoidance of doubt and in the interest of proper planning.

Replacement Trees

2. All replacement trees shall be planted in accordance with the submitted landscaping details between November 2022 and March 2023. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017 and Policies DH1, DH2 and NE2 of the Hampstead Neighbourhood Plan 2018.

2020/5187/P

Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

A0.1 (dated 17.21); A0.2 (dated 17.21); A0.3(dated 17.21); A0.4 (dated 17.21); A0.5 (dated 17.21); A0.6 (dated 17.21); A0.7 (dated 17.21); A0.8 (dated 17.21); A0.9 (dated 17.21); A0.10 (dated 17.21); A0.11 (dated 17.21); A0:12; Sustainable Drainage Assessment ref. 74060R5 by SuDSmart Plus dated 5/5/22 and Tree report by Arbtech dated 8/9/20.

Reason: For the avoidance of doubt and in the interest of proper planning.

Tree Replacement

2. All replacement trees shall be planted in accordance with the submitted landscaping details between November 2022 and March 2023. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017 and Policies DH1, DH2 and of the Hampstead Neighbourhood Plan 2018.

Landscaping replacement

3. Notwithstanding the details as shown on the approved drawings, details of a revised landscaping scheme showing at least 50% of the existing artificial grass as natural turf or soft landscaping shall be submitted for approval by the local planning authority within two months of the date of this decision. The landscaping that thereafter be carried out in accordance with the approved landscaping details within the first planting season following approval, or other timescale agreed in writing by the local planning authority. Once implemented, the approved scheme shall thereafter be retained for the duration of the development.

Reason: To ensure that the landscaping maintains a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2, NE2 and NE4 Hampstead Neighbourhood Plan 2018.

Artificial grass maintenance

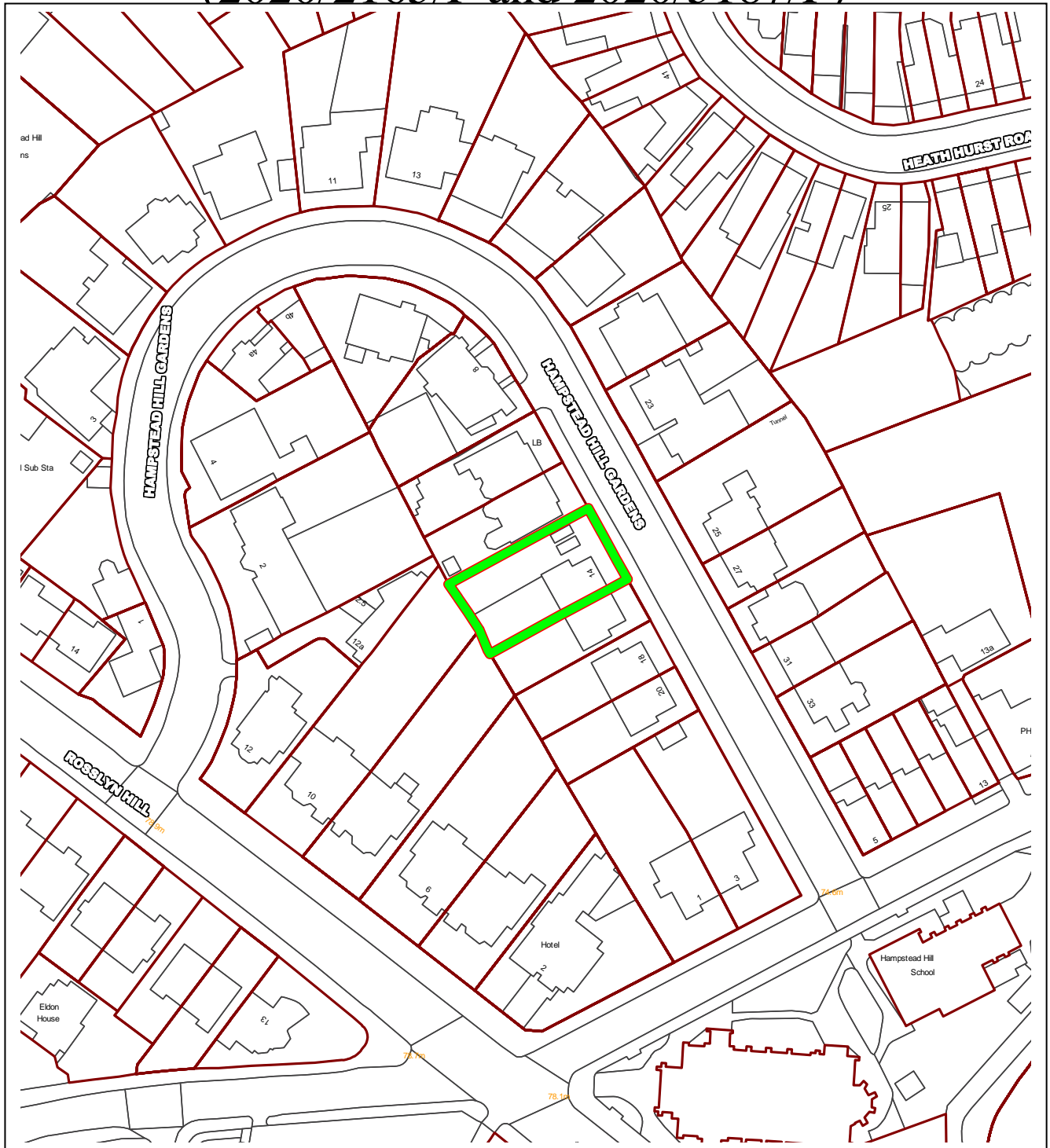
4. The retrospective artificial grass shall be maintained in line with the manufacturers' specification.

Reason: To ensure that the artificial grass does not become compacted or infiltration blocked over time which could reduce its permeability in accordance with the requirements of policy CC4 of the London Borough of Camden Local Plan 2017.

15 INFORMATIVES – Both applications

1. This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
2. All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)
3. Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

14 Hampstead Hill Gardens, NW3 2PL (2020/2165/P and 2020/5187/P)



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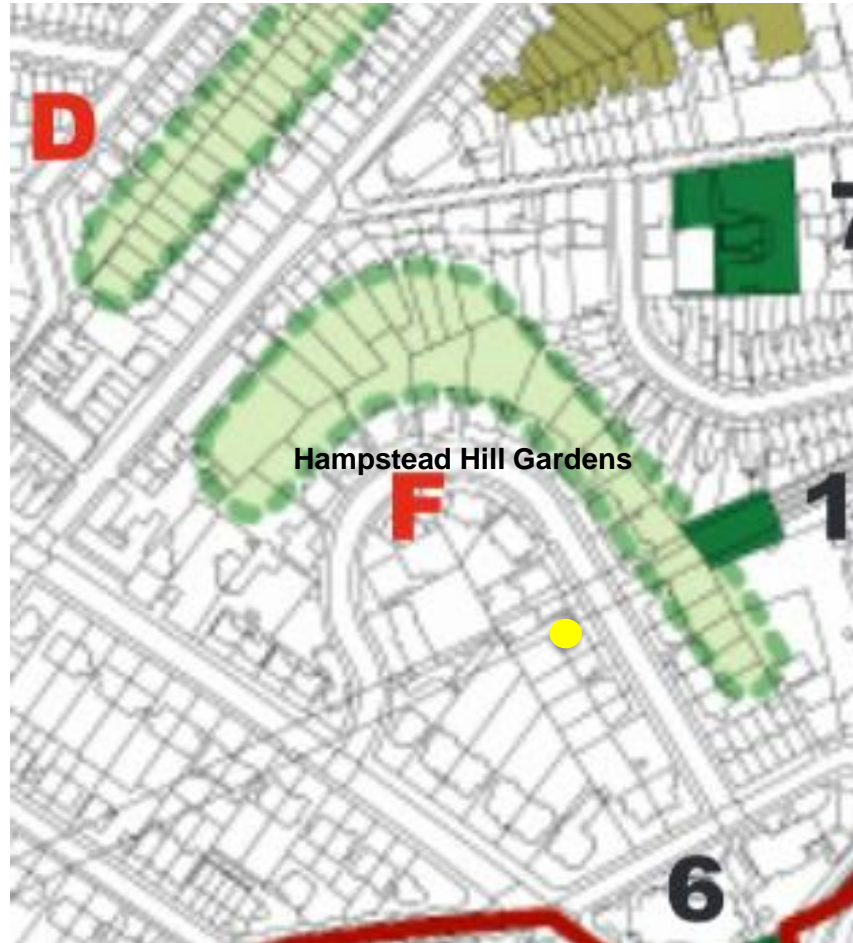
Planning Committee

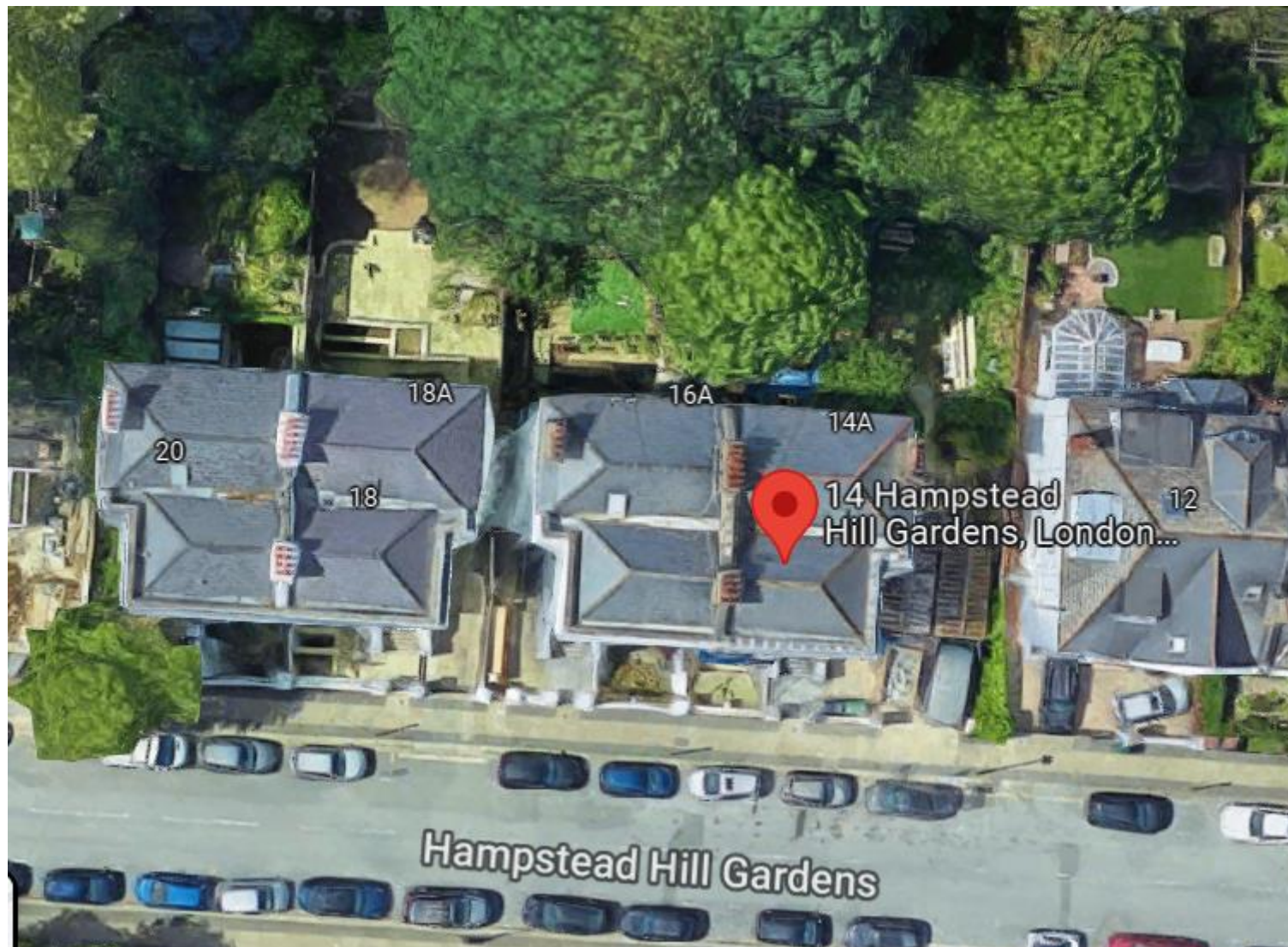
09th June 2022

2020/2165/P and 2020/5187/P

14 Hampstead Hill
Gardens
NW3 2PL

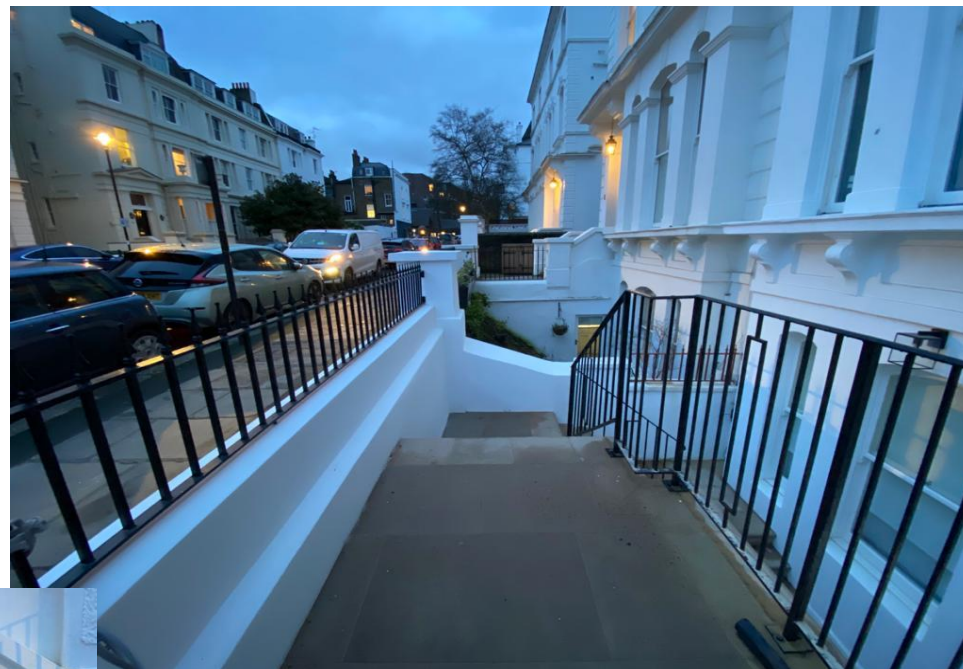






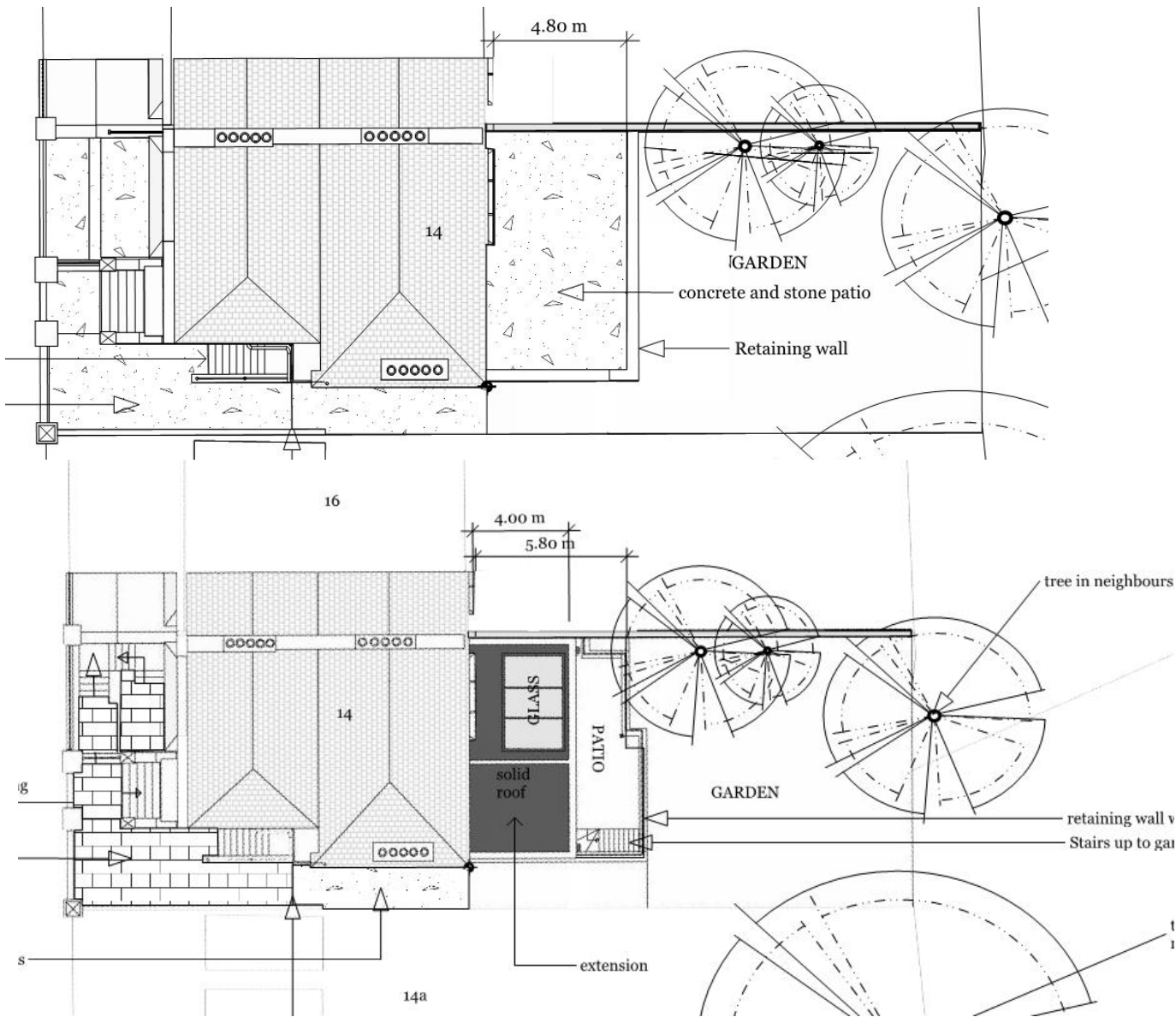


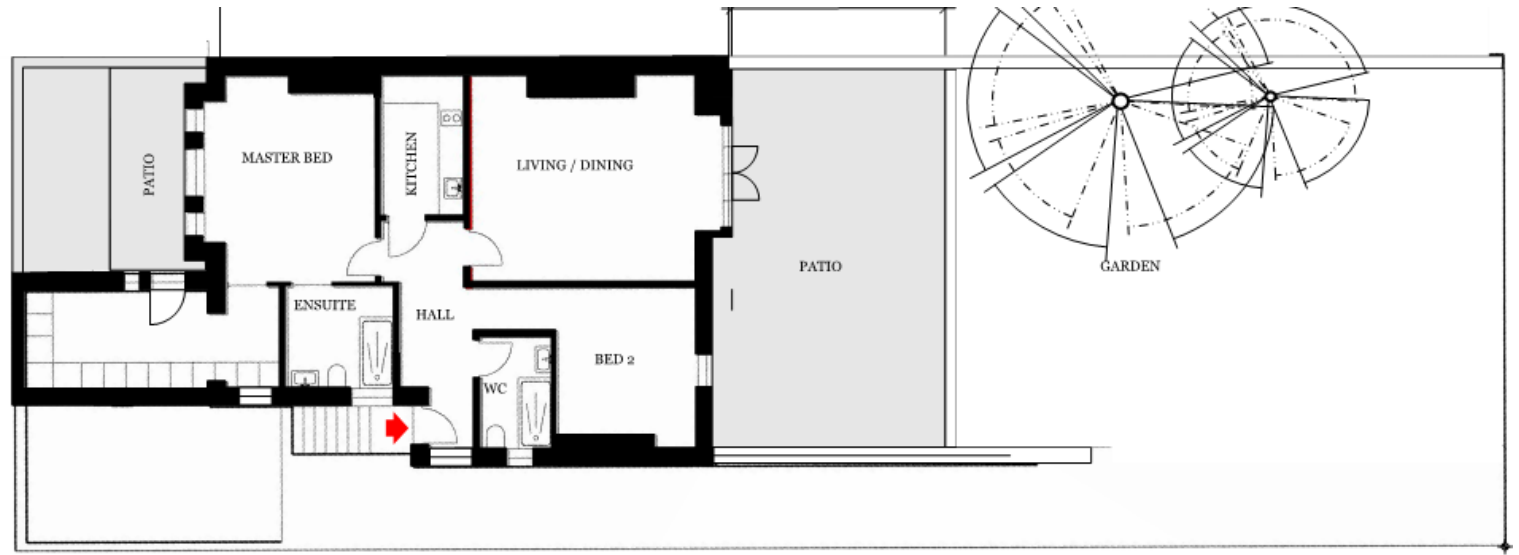




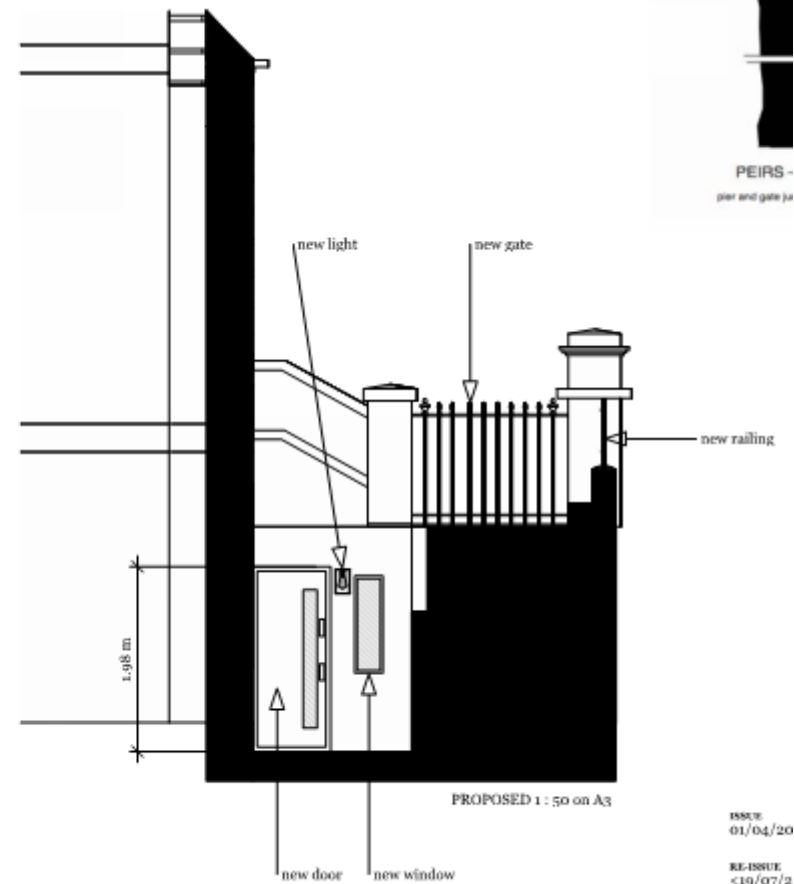
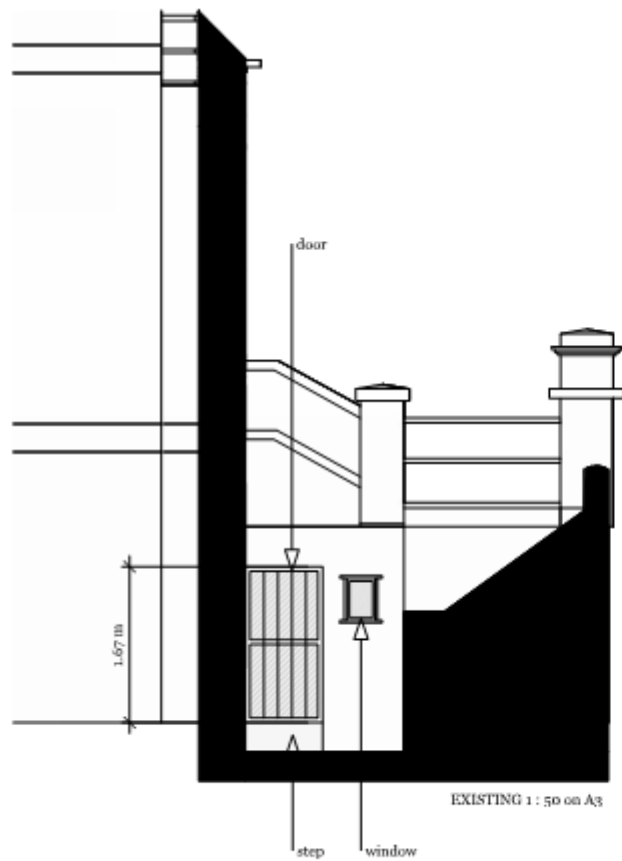










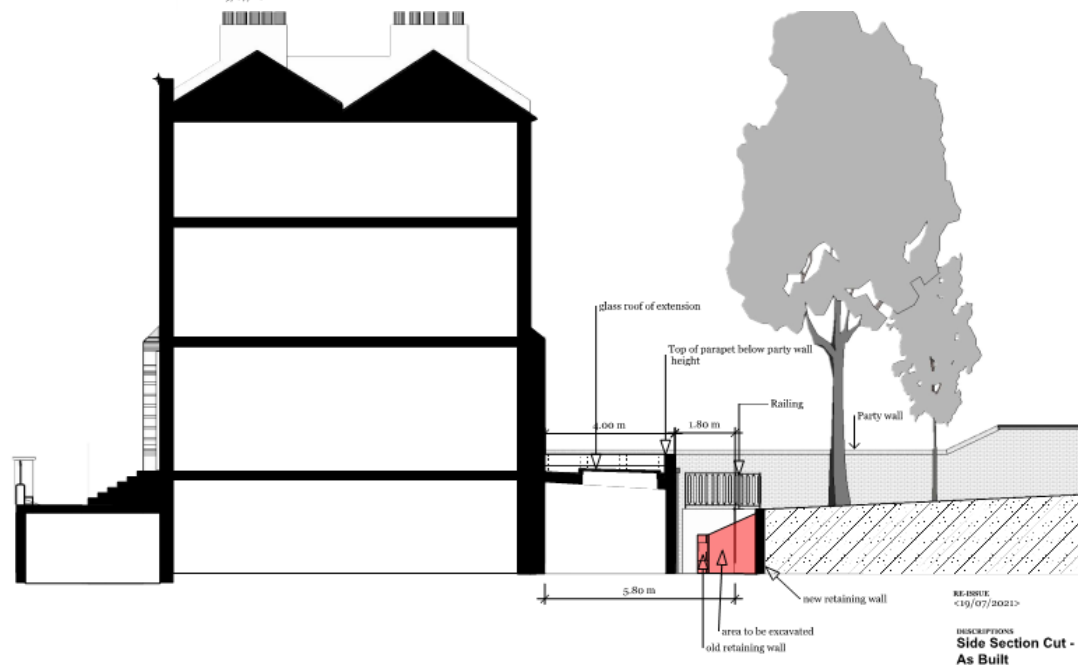
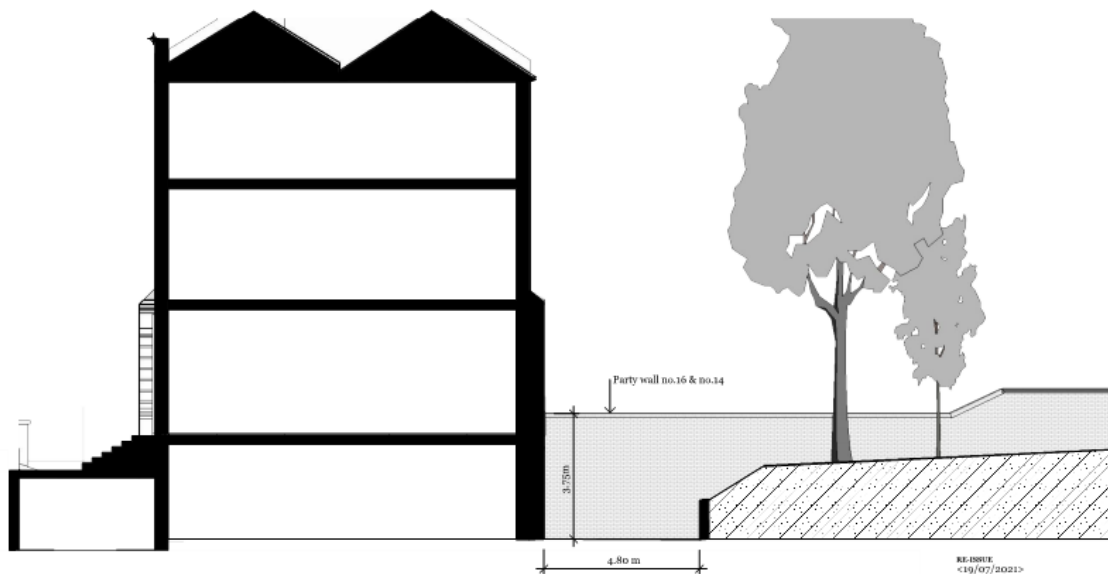


ISSUE
01/04/20

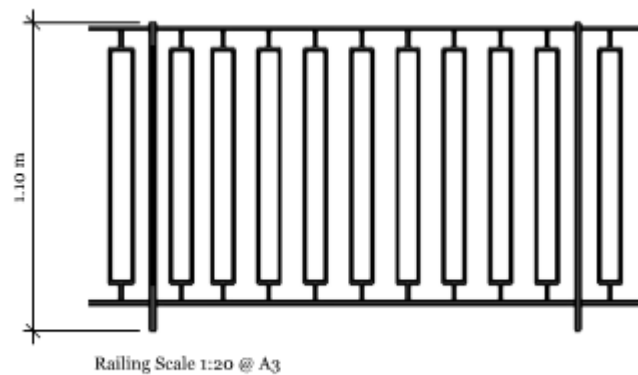
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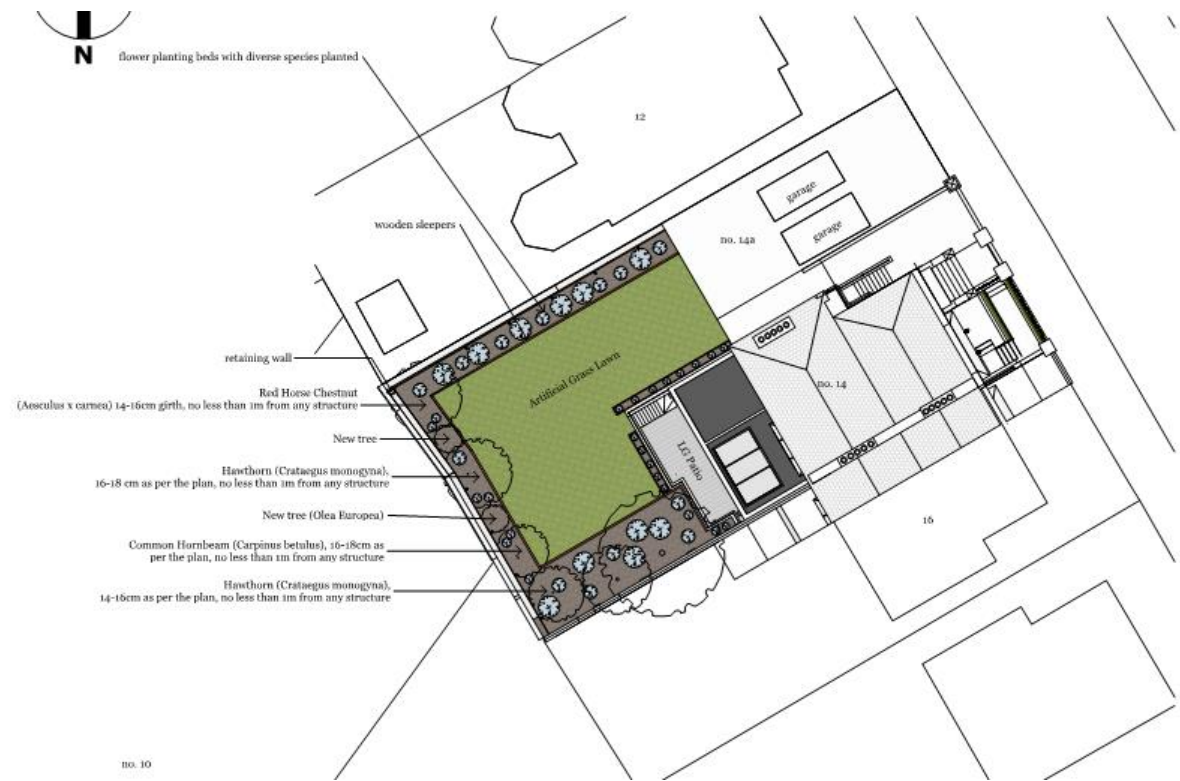
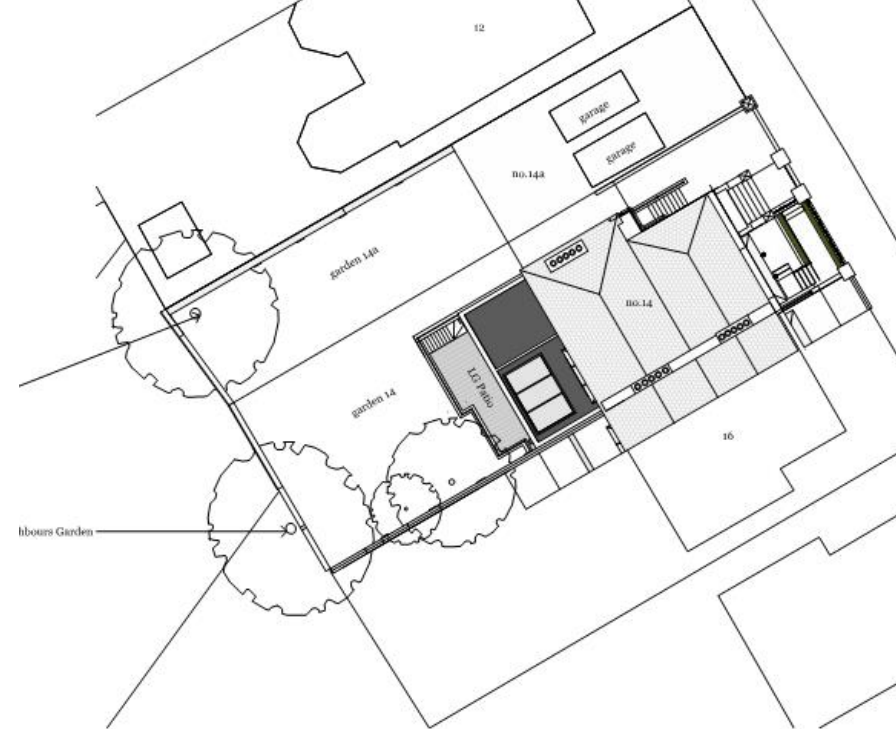
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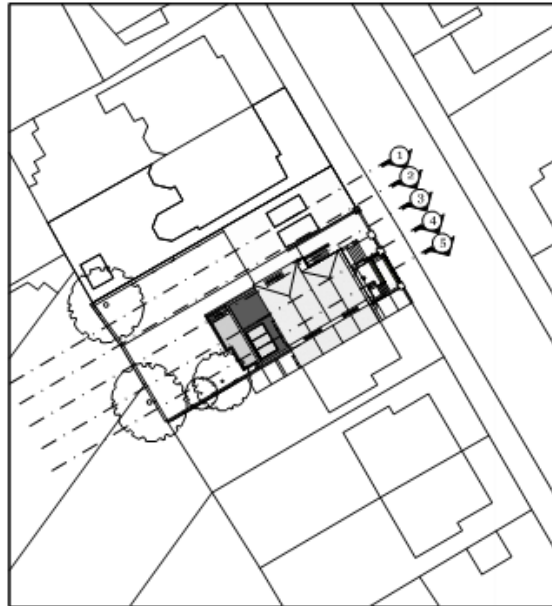




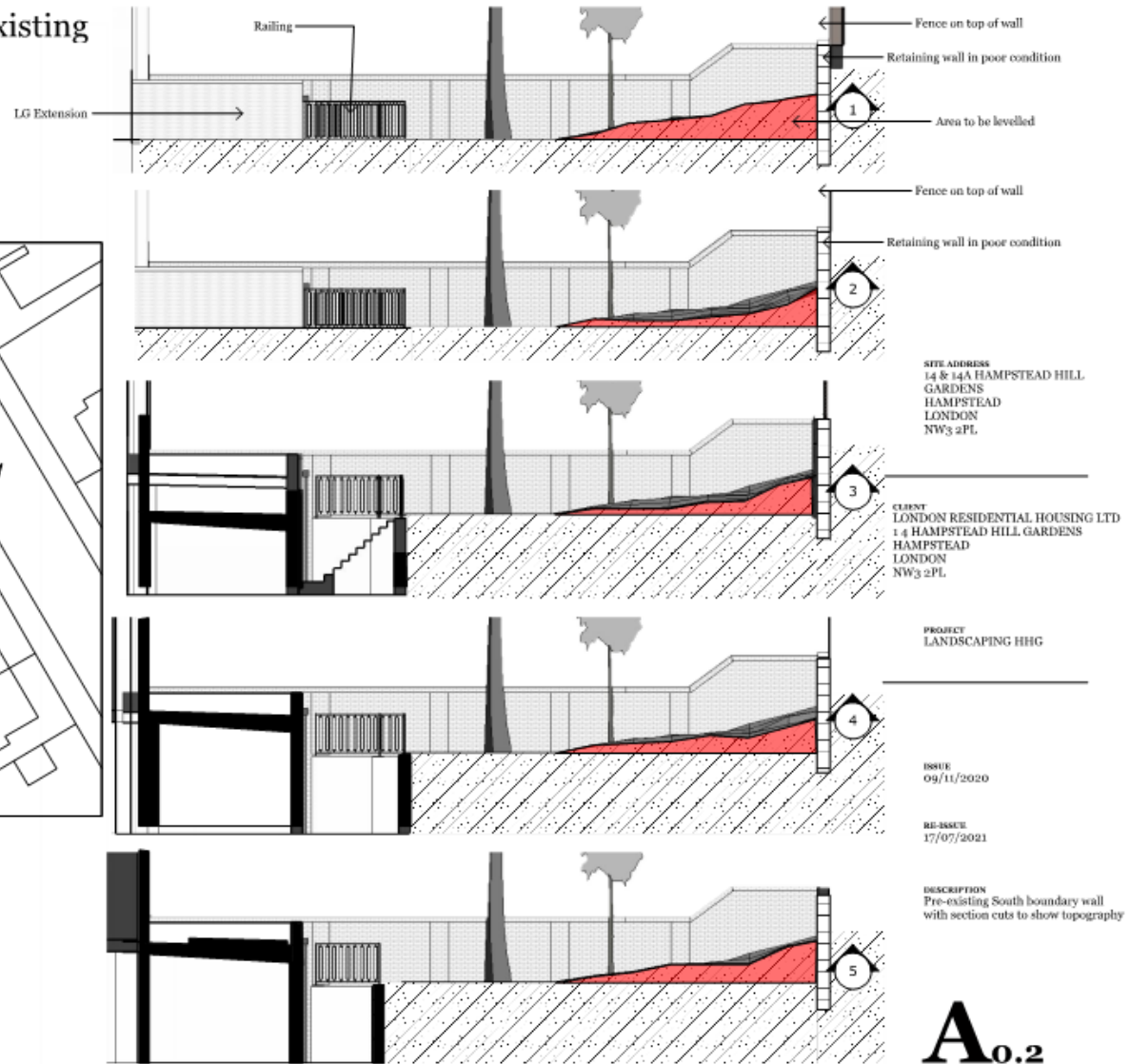




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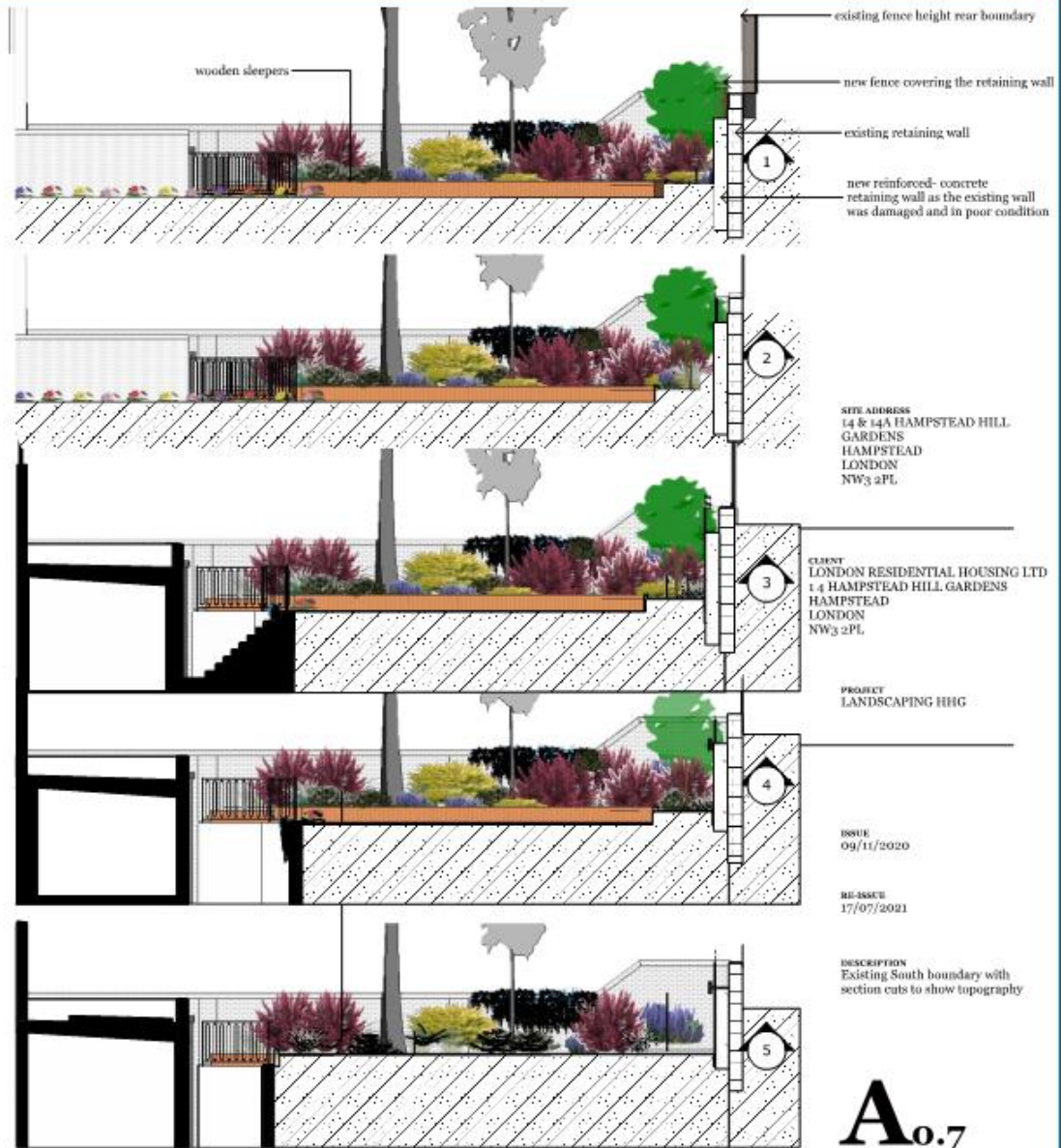
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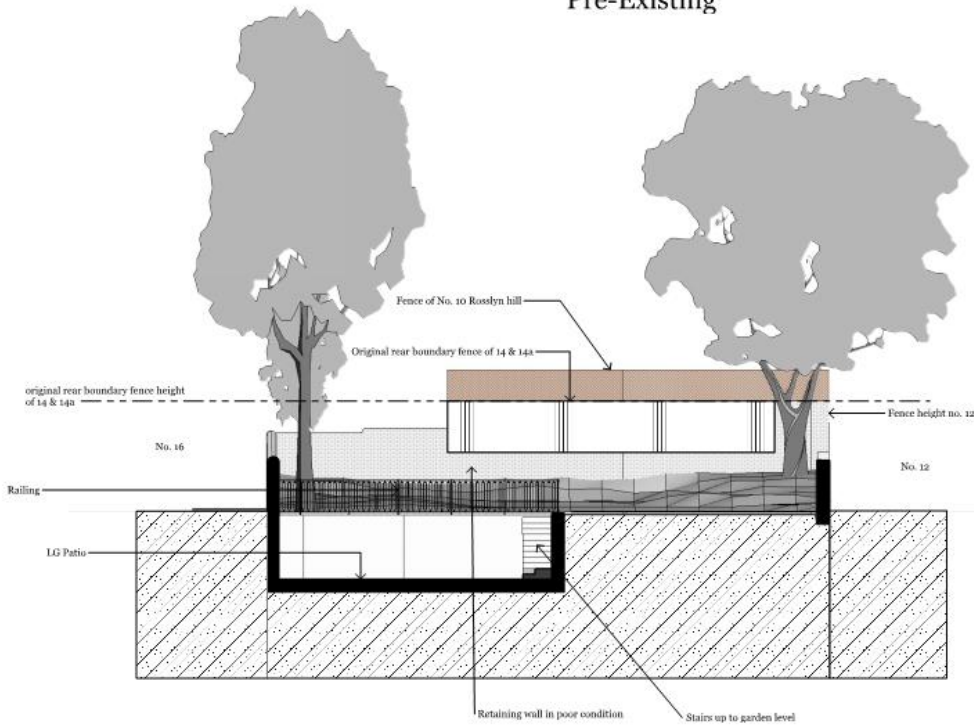
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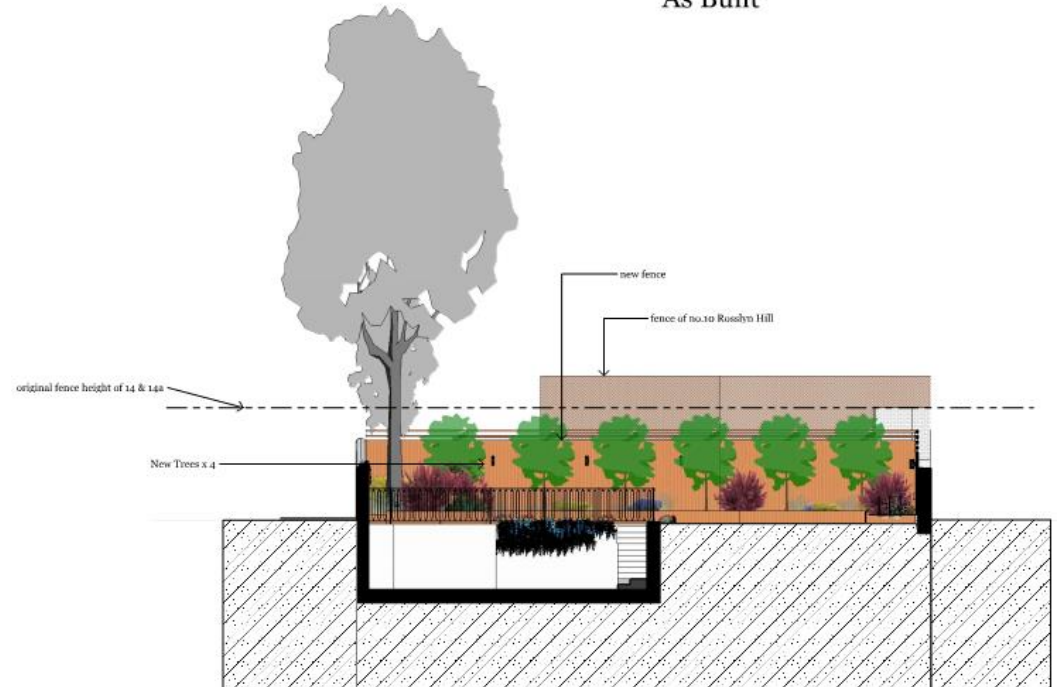
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Pre-Existing



As Built



As Built

