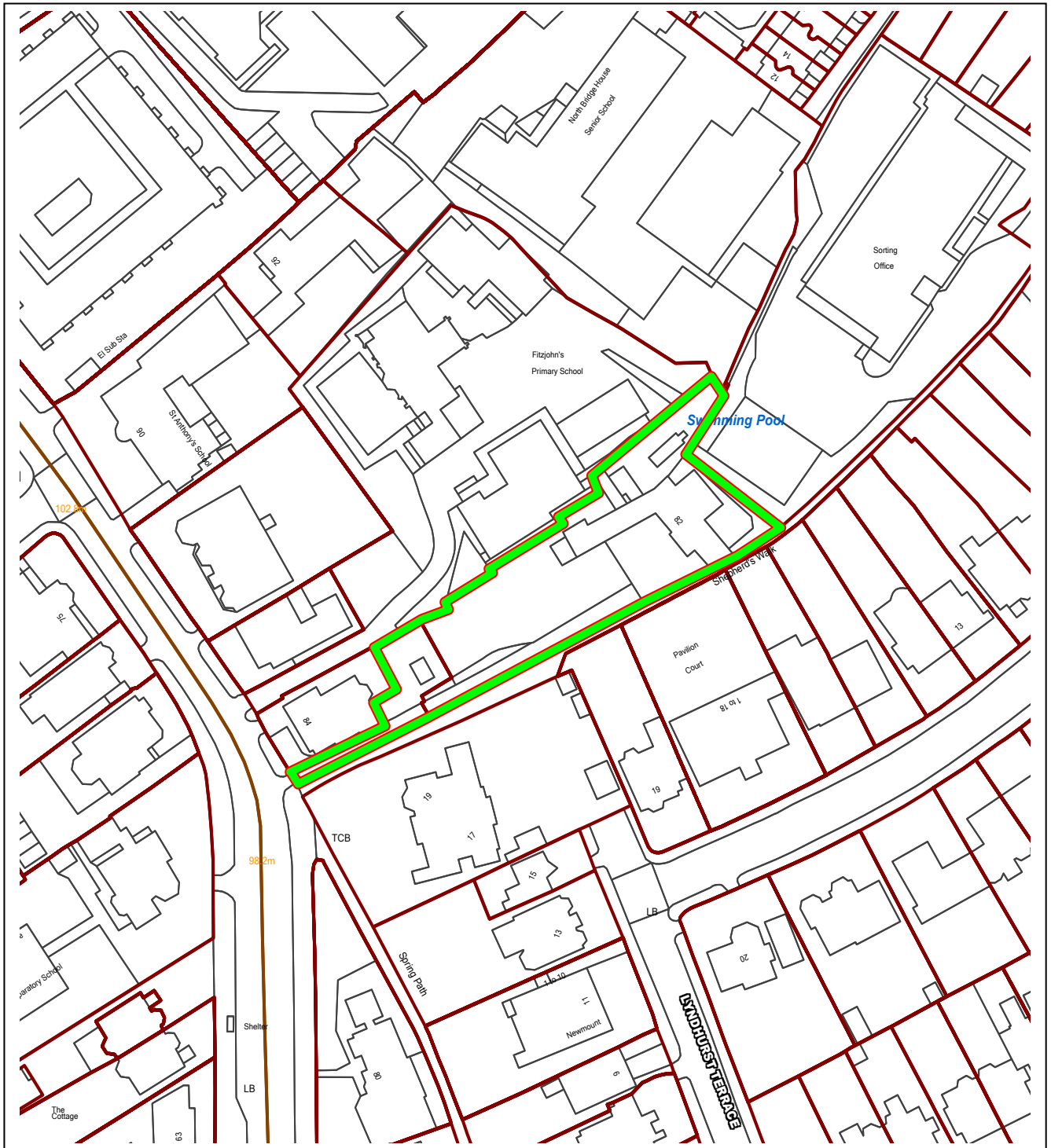
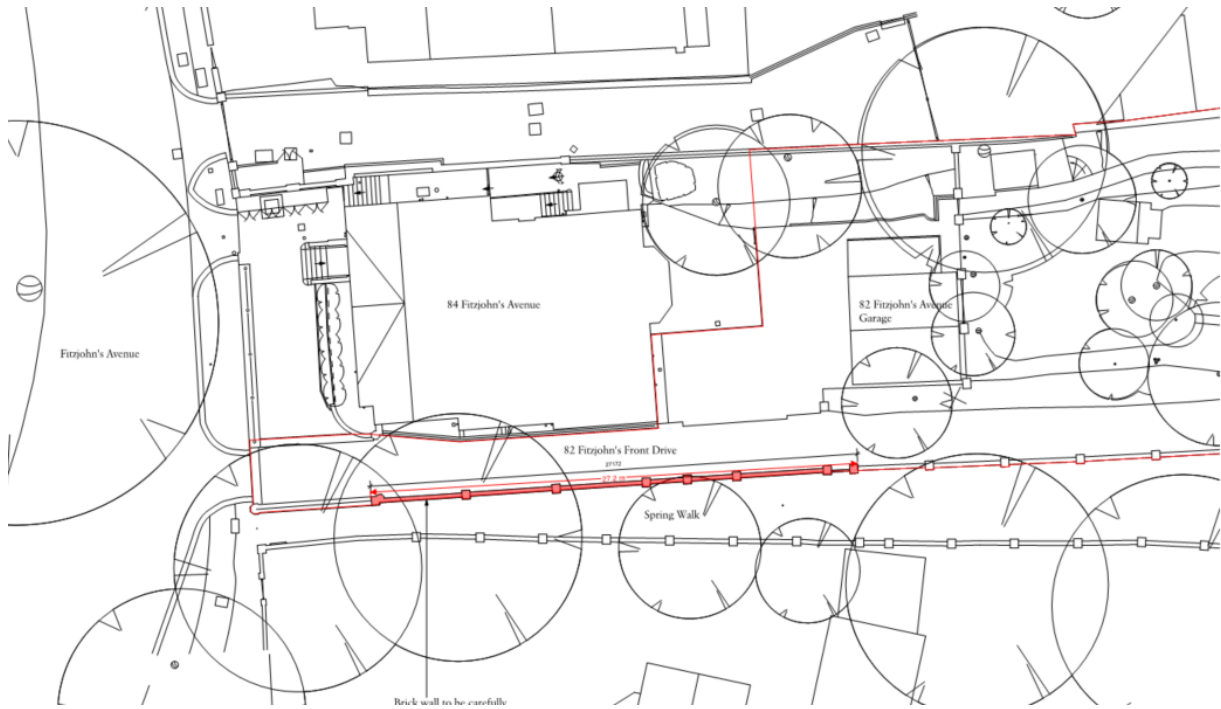


82 Fitzjohn's Avenue 2022/0190/P



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Plan showing section of wall to be dismantled and reassembled

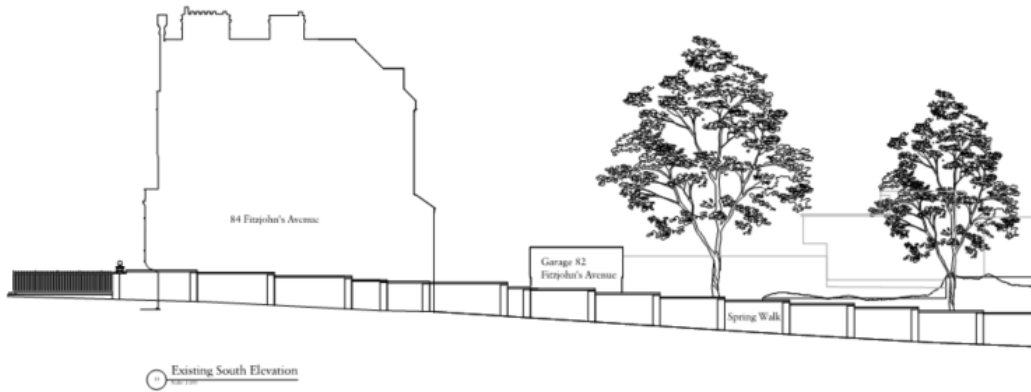


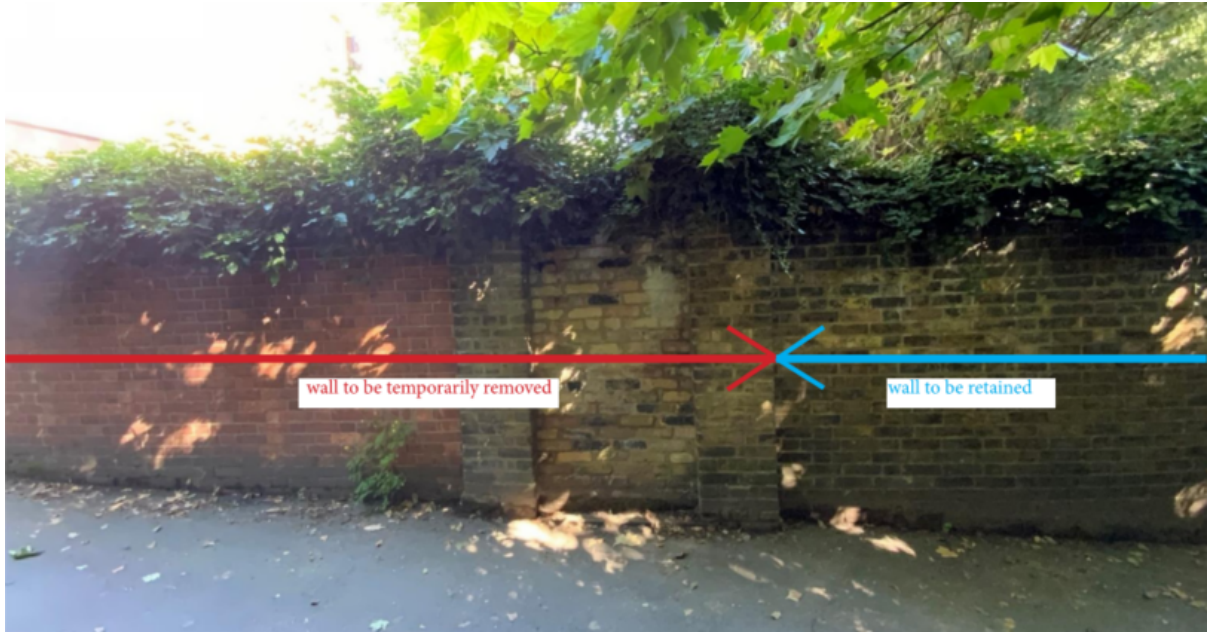


Image 1.01 - Metal fence and stone details to be carefully removed and reinstated at the end of the construction period

View from Fitzjohn's Avenue



View from Spring Walk



View of the north side of the boundary wall

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	15/03/2022
		N/A / attached	Consultation Expiry Date:	27/04/2022
Officer			Application Numbers	
Laura Dorbeck			2022/0190/P	
Application Address			Drawing Numbers	
82 Fitzjohn's Avenue London NW3 6NP			Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
Dismantling of the existing boundary wall for site access and construction purposes in association with development at 82 Fitzjohn's Avenue, and like for like reconstruction following completion of works.				
Recommendations:		Grant conditional planning permission		
Application Types:		Householder planning application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	1	No. of objections	1
Summary of consultation responses:	<p>The application was advertised in the local press on 03/03/2022 (until 27/03/2022), and site notices were displayed on 02/03/2022 (until 26/03/2022).</p> <p>One objection letter was received on behalf of three residents, no address was given. The following points were raised (summarised):</p> <ul style="list-style-type: none"> • The Victorian wall is in excellent condition and very attractive. • The public footpath is used by many parents and children commuting to Fitzjohn's Primary School and the bus stop. • The demolition of the wall should have been sought as part of the previous application. • The lorries visiting the site are unnecessarily large and noisy. <p><i>Officer response</i></p> <ul style="list-style-type: none"> • <i>Please refer to paragraphs 3.9 - 3.17 for full officer assessment.</i> 					
Hampstead Conservation Area Advisory Committee	<p>Hampstead CAAC objected to the application on the following grounds (summarised):</p> <ul style="list-style-type: none"> • The existing boundary wall is in fair condition and well maintained. It acts as a barrier to the public pathway at Shepherds Walk providing safe access to pedestrians. The dismantling would be destructive and disruptive. • The use of reconstituted materials is unacceptable. The boundary wall and its piers are a feature of the local conservation area and the rounded brick cappings and brick bonding must be retained for future heritage. • Boundary walls are noted as a special feature in the Hampstead Neighbourhood Plan. The shepherds walk, is a unique walled passageway with boundaries on both sides. <p><i>Officer response</i></p> <ul style="list-style-type: none"> • <i>Please refer to paragraphs 3.9 - 3.17 for full officer assessment.</i> 					

Site Description

The site comprises No. 82 Fitzjohn's Avenue which is set well back from Fitzjohn's Avenue to the rear of no 84 Fitzjohn's Avenue, and is a two storey, 11-bedroom single dwellinghouse. Access to the site is provided via a driveway adjacent to No. 84 which runs adjacent to Spring Walk.

The application site is not listed but is located in the Fitzjohn's Netherhall Conservation Area and the Hampstead Neighbourhood Forum area, whose Neighbourhood Plan was adopted in 2018. The site is subject to an Article 4 Direction removing permitted development rights for basement development.

Relevant History

2021/1394/P - Alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof and creation of sunken terrace, removal of existing pool house and erection of new orangery, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees. Granted 01/06/2021.

2021/1787/P - Alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof and creation of sunken terrace, removal of existing pool house and erection of new orangery involving basement excavation for new pool, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees. Granted subject to S106 agreement 12/01/2022.

2019/4229/P - Erection of two storey side, front and rear extensions, replacement pool house, and associated works. Granted 04/10/2019.

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan (2017)

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy T1 Prioritising walking, cycling and public transport

Hampstead Neighbourhood Plan 2018

Policy DH1 Design

Policy DH2 Conservation areas and listed buildings

Supplementary Planning Policies

Camden Planning Guidance

CPG Design 2021

CPG Amenity 2021

Fitzjohn's Netherhall Conservation Area appraisal and management strategy 2001

1. Proposal

1.1 Planning permission is sought for the dismantling of a section of the southern boundary wall to allow safe access into the site for construction vehicles required for the works approved under application reference 2021/1787/P (see planning history section above). The section of the wall in question measures 27.2m long and would be carefully disassembled by hand, the bricks would be stored on site, and the bricks would be used to reconstruct the wall like for like following the completion of the works.

2. Assessment

2.1 The principal planning considerations are considered to be the following:

- Design and Heritage

3. Design and heritage

Statutory Framework and Implications

3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) is relevant, and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

3.2 The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified (section 16).

Policy review

3.3 NPPF section 16 paragraphs 189 to 202, London Plan policy D4, and Camden Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2 are relevant with regards to conservation and design. Camden’s Local Plan policies are supported by the ‘Design’ CPG and the Fitzjohn’s/Netherhall Conservation Area Appraisal and Management Strategy.

3.4 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 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

3.5 The Hampstead Neighbourhood Plan’s design and heritage policies require development to respond to the history and distinctive character of Hampstead’s different areas. It must contribute positively through good architecture and landscaping. Development must conform to conservation area appraisals and management strategies and must not harm an area’s character or heritage assets. These norms apply to changes to the streetscape.

Designations

- 3.6 The application site is not listed, but is located within Sub Area 1 (Fitzjohns) of the Fitzjohn's/Netherhall Conservation Area. The conservation area statement includes No. 84 as making a positive contribution to the character of the area and Fitzjohn's Avenue is described as being the most prominent street of the area, with the front boundary walls displaying the richness of brick, terracotta and stone that is characteristic of the area as a whole.
- 3.7 Spring Walk runs along the southern boundary of the site and, together with Spring Path, Shepherd's Path and Shepherd's Walk, are noted as being a reminder of the old field patterns but which now provide a link between roads. The conservation area statement describes Shepherd's Path and Shepherd's Walk and Spring Path as elements of streetscape interest, but does not refer to Spring Walk.
- 3.8 Throughout the conservation area, the loss of front boundary walls are described as a negative feature of the area, and alterations to the front boundaries between the pavement and properties are noted for their potential to dramatically affect and harm the character of the conservation. Brick walls and piers are described as enormously important to the streetscape and there is a rich variety of detail and materials. Brick walls and piers have in some instances been replaced with inappropriate screening such as timber fencing, and some have a poor quality replacement.

Assessment

- 3.9 The conservation area statement describes front boundary walls between a property and the pavement as making a particularly important contribution to the character of the conservation area. Although the wall in question is not a front boundary wall, it forms a boundary between the application site and the publicly accessible walkway along Spring Walk. It is constructed of a red brick to the western end, before changing to a yellow stock brick which appears to be older. It is mostly the red brick section which is the subject of the current application and is proposed to be dismantled and re-erected. Even though it's a different colour and age to the adjacent section of wall, it is a historic red brick, of an attractive design and detailing. It is an elaborate design with curved buttresses and a complex brick half cylinder along the top. The bricks match the dwellinghouse at No.84.
- 3.10 The wall is required to be dismantled to provide sufficient distance for construction vehicles to safely access the site without compromising the integrity of the wall or raising health and safety concerns. The wall would be carefully dismantled and the bricks retained on site during construction, before being reinstated on a like for like basis.
- 3.11 Concerns were initially raised by officers as to whether the wall could be demolished and rebuilt to the same standard and appearance, and whether the bricks would be damaged due to the cement mortar used. The applicant was therefore asked to consider alternative options. In response, the applicant submitted a letter from the architects, considered the impacts arising from the use of smaller construction vehicles and provided a health and safety report into the condition of the wall. The letter from the architect sought to address concerns regarding the quality of the reinstated wall, highlighting that they are experienced in conservation architecture, often working with listed buildings, and can ensure that the wall is rebuilt to exactly the same design as exists at present. The architect provided the following comments:

Regarding the brick type and patina of age, the existing bricks will be re-used by carefully dismantling the existing wall although we appreciate the Conservation Officer's point that cementitious mortar has been used, but only to re-point the wall. This is nonetheless likely to result in the loss of some of the existing bricks but we are able to have imperial-sized bricks made to match the existing. If deemed necessary, we would suggest a condition requiring a sample panel to be built and approved by the council prior to re-construction of the wall to enable the Conservation Officer to approve the appearance (i.e. we will require sample panels whether conditioned or not). This may involve a number of brick sample panels to be built to achieve the desired reference panel before works commence. We would achieve this by building

sample panels in carefully selected metric bricks (if imperials aren't available) before ordering custom imperials to be manufactured. The same applies to the existing specials. The approved reference panel will be kept on site to ensure that the contractor's specialists repeat the approved appearance (and if our inspections prove that this is not the case, the work will have to be re-done).

- 3.12 The health and safety report noted that the potential for the boundary wall to collapse or be structurally damaged by a vehicle impact is greater than anticipated at the commencement of the project given the clearance width of just 5cm to each side of the vehicles (see image below). The Council's Transport Officers also did not consider this an issue and a construction management plan was not secured as part of the original application as it was originally thought that there would be room for construction vehicles to access the site and use the large garden and driveway at the site for parking and deliveries, etc.
- 3.13 The report goes on to explain that at present the wall is cracking in places which is caused by a combination of natural ground movement (affecting an old wall that lacks deep foundations) and the non-original and unyielding cementitious mortar. This cracking will increase with time. In the proposed re-instatement of the wall, a traditional mortar will be used which is soft and accommodates natural ground movement. This is a reinstatement of the original pointing which is a conservation benefit in the long term.
- 3.14 The applicant also considered the use of smaller construction vehicles, and a comparison was provided between a standard 4 Axle Rigid Spoil and a smaller 2 Axle Rigid Spoil. The report commented that the smaller vehicle is only 90mm smaller in width, but has a disproportionately small capacity: only one third of the larger vehicle's. This would significantly extend the construction period prolonging the impact of construction work on the neighbours, and result in more vehicular crossings on the footpath and at the pinch point on the driveway, increasing the risk of collision with the wall. The total number of vehicle movements required would increase from 150 to 450.



- 3.15 It is noted that there are general rights to amend and demolish means of enclosure, with these

works often falling under permitted development (i.e. not requiring a planning application). In these cases, the Council would have no control over the quality of design of the replacement wall.

3.16 Given the contribution that the existing wall makes to the character and appearance of this part of the conservation area, the Council's principal concern is ensuring that the wall is dismantled with care to ensure the least number of breakages possible, that any replacement bricks are an appropriate match, and that the final re-construction exactly matches the existing wall. Although smaller vehicles could be used, and the existing wall retained in position, the impact this would have on neighbouring amenity from increased disturbance, vehicle emissions and climate impacts are also important considerations in the overall planning balance.

3.17 On balance therefore, the proposals are supported subject to strict conditions securing details of a comprehensive method statement for the dismantling of the wall, a sample panel showing a full section through the replacement wall, and samples of any new bricks to replace any damaged bricks.

4. Conclusion

4.1 In conclusion, subject to the conditions suggested, officers are satisfied that the wall would be rebuilt on a like for like basis, and as such, the proposals would preserve the character and appearance of the Fitzjohn's Netherhall Conservation Area.

4.2 As such, it is recommended that conditional planning permission is granted.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 16th May 2022, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/0190/P
Contact: Laura Dorbeck
Tel: 020 7974 1017
Email: Laura.Dorbeck@camden.gov.uk
Date: 5 May 2022

Development Management
Regeneration and Planning
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Judd Street
London
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Phone: 020 7974 4444

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www.camden.gov.uk

Gerald Eve LLP
72 Welbeck Street
Marylebone
London
W1G 0AY

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
82 Fitzjohn's Avenue
London
NW3 6NP

Proposal: Dismantling of the existing boundary wall for site access and construction purposes in association with development at 82 Fitzjohn's Avenue, and reconstruction using reconstituted materials following completion of works

Drawing Nos: A-PL-00-701, A-PL-00-702, A-PL-00-703, Health and Safety Report by DWH Consulting dated 25th April 2022, Letter from Charlton Brown Architecture & Interiors dated 29th April 2022, SK07032022, letter dated 18th January 2022, Structural report ref 2092_Report 02B, Heritage Assessment dated August 2021.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: A-PL-00-701, A-PL-00-702, A-PL-00-703, Letter from Charlton Brown Architecture & Interiors dated 29th April 2022.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 4 Prior to the commencement of works, a method statement, including details of dismantling of the wall, storage of the bricks and the reinstatement of the wall; and detailed drawings of the existing wall shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 5 Before the brickwork is commenced, a sample panel demonstrating the proposed colour, texture, face-bond, and pointing of a full height section of the boundary wall shall be provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given.

The sample panel shall not include the original brickwork, but shall include new bricks to be used in the case of any damages to the original brickwork following the dismantling of the wall, and shall serve as a reference panel for the reinstatement of the wall using the original bricks. The approved panel shall be retained on site until the work has been completed

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 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, 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.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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)

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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer