
Planning statement

26 Netherhall Gardens, London, NW3 5TL

1. Introduction

- 1.1. This planning statement has been prepared on behalf of our client, in support of a planning application at 26 Netherhall Gardens, London, NW3 5TL.
- 1.2. The proposed development involves alterations to the exterior of the building including replacement windows and doors, roof tiling, demolition of front staircase and replacement, extending rear lightwell, new stairs and balcony at rear, alterations to front boundary treatment along with other associated works.
- 1.3. This statement has been set out under the following headings:
 - Section 2 – Site, surrounds and planning history;
 - Section 3 – Proposal;
 - Section 4 – Planning policy framework;
 - Section 5 – Planning considerations;
 - Section 6 – Conclusions.
- 1.4. This statement should be read in conjunction with the following documents:
 - Application forms
 - Application drawings prepared by TG-Studio
 - Design and Access Statement prepared by TG-Studio
 - Tree report, Tree schedule and Arboricultural Method Statement with Tree Protection Plan prepared by Crown Consultants
 - Structural Report by S R Brunswick

2. Site, surroundings and planning history

Site Context

- 2.1. 26 Netherhall Gardens is situated in Camden's Frognal and Fitzjohns Ward. The site is located on the eastern side of Netherhall Gardens between Finchley Road and Fitzjohn's Avenue. The site is located in a predominantly residential area albeit it is close to major and neighbourhood centres, including Finchley Road and Hampstead High Street. The site has a PTAL of 6A. The site is well served by public transport with both Finchley Road underground station and Finchley Road and Frognal overground station located approximately 0.3 miles to the east. Many bus routes pass along Finchley Road and Fitzjohns Avenue to the east.



Image – photograph of the existing building at 26 Netherhall Gardens

- 2.2. The site contains a 4 storey residential building, with attached garage structure and off-street parking. The residential building dates from the later part of the nineteenth century. It has an exposed lower ground floor and a steeply pitched roof with two large dormers to the front elevation. It is comprised of brown stock brick, red brick dressings and a clay tile roof. The building has been subject to various alterations over time.
- 2.3. There are 4 self-contained flats located within this building, with one flat per floor. The lower ground flat is accessed from a side entrance door, whilst the other flats are accessed from the main front staircase. Next to the main house is a 2 storey extension with garage that contains a further self-contained dwelling.
- 2.4. The surrounding area is predominantly residential in character. The east side of Netherhall Gardens comprises substantial three and four storey detached and semi-detached dwellings; while the western side comprises dwellings comprising five storeys. The residential buildings generally date from the later quarter of the nineteenth century and display characteristics of the Queen Anne and Domestic Revival including purple and red brick, decorative ironwork, rubbed and carved brick, bargeboard and roof details.

- 2.5. The application site lies within the Fitzjohns / Netherhall Conservation Area, which was designated in 1984. The Conservation Area is characterised by large detached and semi-detached houses and a great variety of architectural idioms, including the various revival styles of the 19th Century and examples of the Arts and Crafts movement and vernaculars dating from the end of that century and into the early Twentieth. The Fitzjohns / Netherhall Conservation Area Statement identifies the existing building as making a positive contribution to the character and appearance of the Conservation Area. The building is not Listed.

Planning History

- 2.6. 26 Netherhall Gardens has an extensive planning history. The key planning history relevant towards this development as set out beneath:
- **2019/1515/P:** Erection of 3 storey extension plus basement to existing property to provide 4 flats (2x 1- bed and 2x 2-bed) (Class C3) with rear roof terraces and refuse and cycle store at the front, following demolition of 2 storey garage extension and 1-bed flat. Permission Granted Subject to Section 106, 12/11/2021
 - **2015/3314/P:** Erection of 4 storey plus basement detached building to provide 5 flats (4 x 2-bed and 1 x 3-bed) including front and rear roof terraces, hard and soft landscaping, boundary treatment and 3 car parking spaces, following demolition of the existing building (Class C3). Non-determination would have refused 06/05/2016 Appeal dismissed 07/10/2016
 - **2014/6224/P:** Erection of a four-storey plus basement detached building to provide 5 self-contained residential units comprising 4 x 2 bedroom and 1 x 3 bedroom units, including hard and soft landscaping, new boundary treatment and the provision of off street car parking, following demolition of the existing building (Class C3). Refused 19/01/2015
 - **2012/4478/P:** Use as 5 x self-contained residential units (Class C3). Certificate of lawfulness for existing use granted 12/11/2012.
 - **PW9802143R1:** Replacement of window frames and door frames to the front and rear of an existing single storey side extension, as shown on drawing numbers: AM/001, AM/002 and letter dated 23rd April 1998. Permission Granted 08/05/1998

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- 2.7. As per the above, the certificate of lawfulness application (2012/4478/P) establishes that the lawful use of the property is as 5 self-contained flats. The approved drawings for this application show that 4 of the flats are located within the original building, with one flat per floor. The 5th flat is located within the non-original side extension.
- 2.8. Planning permission (2019/1515/P) granted the demolition of the non-original side extension and the construction of 3 storey extension plus basement to provide 4 flats.



Approved Front Elevation Drawing (2019/1515/P)



Approved Rear Elevation Drawing (2019/1515/P)

3. Proposal

- 3.1. The proposed development involves a series of external alterations to the original main building as well as alterations within the front and rear garden.

Front Garden

- Installation of wrought iron front entrance gates.
- Demolishing existing masonry staircase and rebuilding within the same footprint.
- Bike and refuse stores created within rebuilt staircase.

Front Elevation

- Relocate the lower ground floor flat's entrance from the side to the front of property by converting an existing window to door.
- Installation of two conservation style rooflights to front roof slope.
- Demolition of middle chimney stack and making good of roof tiling.
- Replacing roof tiles with like for like clay tiles.

North Elevation

- Alteration and replacement of windows. New windows installed to be similar in position to existing and of traditional timber frame design.

South Elevation

- Existing south facing windows to the main building to be blocked up with bricks to match existing.

Rear Elevation

- Existing timber staircase from raised ground floor to garden replaced with lightweight metal staircase to garden with a small balcony enclosed by black metal railings.
- Lower ground floor rear windows replaced with timber double glazed French doors.
- Conservation style rooflights installed to roof.
- Replacing roof tiles with like for like clay tiles.

Rear Garden

- Rear courtyard lightwell serving lower ground floor extended by approx. 3m

Other

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- All single glazed casement and timber sash windows to be replaced with painted hardwood timber double glazed windows, patio doors will be painted hardwood timber double glazed units to improve thermal performance of the building



Image – photograph of the existing building as viewed from the street

- 3.2. The building would retain the same flatted layout as existing. Therefore a total of 4 flats within the original building and configured as one flat per level (as per the existing situation). The 2 storey extension with garage that contains a further self-contained dwelling is also retained.

4. Planning policy framework

Development Plan

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the development plan for the area unless any material considerations indicate otherwise. This legal requirement is reiterated in the introduction to the National Planning Policy Framework (NPPF).
- 4.2. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 the 'development plan' is:
 - The London Plan (2021).
 - Camden's Local Plan (2017).
- 4.3. The 'development plan' is supported by several supporting documents and guidance such as the Fitzjohns / Netherhall Conservation Area Statement (2001) and Planning Guidance documents 1 to 8.

National Planning Policy Framework

- 4.4. The National Planning Policy Framework 2021 (NPPF) is a further material consideration.
- 4.5. Chapter 12 of the NPPF titled 'Achieving well-designed places', outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.6. Chapter 16 sets the parameters for 'Conserving and enhancing the historic environment'. Paragraph 190 describes that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Under paragraph 197 in determining applications, local planning authorities should take account of:
 - a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Planning considerations

4.7. The main planning considerations are:

- Design and heritage
- Impact to living conditions
- Impact to trees

Design and heritage

4.8. The following policies from Camden's Local Plan are relevant to design and heritage:

- Policy D1 Design
- Policy D2 Heritage

4.9. The existing building comprises a four storey house dating from the later part of the 19th century, and has been subject to various alterations over time including a modern side extension and garage dating from the 1950s. Overall the original building is considered by the Council to have a positive impact on the Conservation Area. However, the building does have some unsympathetic alterations, which includes the side garage extension.

4.10. The staircase to the front garden does not meet building standards and is in a structurally poor state with deep cracks present. The proposal includes demolishing this staircase and building a new staircase within a similar footprint. The replacement staircase would use traditional materials found on other local buildings, that includes brick to match the existing structure and natural light grey coping stones and stair treads. Black wrought iron balustrading to the staircase would be used to create a traditional finish. The replacement staircase would offer a visual improvement to the existing poor quality staircase, and thus would act to preserve the Conservation Area in compliance with Policy D1 and D2 of the Local Plan.

4.11. In addition, the replacement staircase has the added value of accommodating bike and bin storage. The property has no current bin store arrangements with refuse bins instead placed on the driveway and visible from the street. The staircase would therefore help declutter the front of the property, as the bins can be stored out of sight. The staircase would include a cycle storage component beneath thus giving occupants a dedicated cycle storage area. This would be an improvement over the existing situation, given that there is currently no cycle stores within the premise. The proposal therefore has the dual benefit of encouraging active transport, which is consistent with Local Policy T1 that seeks to prioritise cycling, walking and public transport.

4.12. The reconfiguration of the entrance of the lower ground flat through the replacement of a front window with a door would appear as a discreet change given its location part screened by the main entrance staircase, and would appear visually appropriate.

4.13. Electronic opening electric gates would be installed along the front boundary. These would be low-height

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and in black painted metal, similar to the gates installed on neighbouring houses along this street.



(Existing Front Elevation)



(Proposed Front Elevation)

*Note the alterations are minor and largely replicate the design and proportions of existing features. The proposals would contribute positively to the street frontage.

4.14. To the north elevation, windows have been altered and replaced at all levels. The new windows are similar in their position to existing, with the new windows having a traditional design, timber materials and of a size and proportion that co-ordinates well with the original building. Removal of the windows to the north elevation and blocking with bricks to match the existing wall materials would leave a harmonious elevation. This elevation would be built against at a future date by the 3 storey extension consented in Oct 2021 (2019/1515/P), and therefore provides a base for future consented development.

4.15. In terms of the roof a central chimney stack would be removed with the roof tiling made good. The central

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chimney is not a prominent feature to the house, or of particular merit being small and plain. The larger chimney stacks on either ends of the roof would be retained and thus the visual balance of the building kept. The conservation style rooflights to front and rear roof slopes are small in proportion, and arranged sensitively to appear discreet. The rooflights would appear similar to other rooflights already installed on other buildings found locally.



Small chimney stack to be removed – the visual impact of this would be de-minimis

- 4.16. The changes to the rear include replacing the existing stairs that lead from raised ground floor level to the rear garden. A small balcony would be formed and enclosed by traditional metal railing. The balcony floor would have an obscure glass design. The replacement stair and balcony feature would be traditional in appearance and serves to maintain direct access for Flat 2 to the communal garden.



Timber stair and landing to be replaced with metal stairs with small balcony. Note - the position of this feature is low down (raised ground floor) and would be of low visibility from neighbouring sites

- 4.17. The proposal includes increasing the rear lightwell that serves the lower ground floor flat (Flat 1) by 3m. This adaption along with the replacement of rear windows with French doors would serve to increase light and outlook for this flat thus improving living conditions. The 3m excavation would be modest and appear relatively inconspicuous. A sizable rear communal garden would be retained with trees and soft

landscaping.

- 4.18. A Structural Engineering Report by Steven Brunswick CEng, FICE, FCIQB is included within the application and demonstrates that the retaining wall would be made structurally sound. The wall will be designed with a heel for stability which will be backfilled with granular fill material to allow any ground water to drain away via the land drain at the base of the wall. Overall stability being achieved by the combined structure of the retaining wall incorporating a reinforced concrete slab forming the base of the lower ground floor terrace.
- 4.19. The proposal includes replacing existing single glazed windows with timber double glazed units of similar design and proportions as existing. The replacement windows would make limited material difference to the appearance of the building, but would bring significant thermal efficiency improvements. This is strongly supported under Local Plan Policy CC1.D that supports and encourages sensitive energy efficiency improvements to existing buildings.
- 4.20. Overall the proposals entail modest changes to the building, and which would be sympathetic to the character and appearance of the host building and surrounding conservation area. For the reasons set out above, the proposals are considered to be wholly in compliance with Policy D1 and D2. Furthermore, the proposed development will be of good design in line with chapter 12 of the NPPF.

Impact to Living Conditions

- 4.21. The following policy from Camden's Local Plan is relevant to amenity:
- Policy A1 Managing the impact of development
- 4.22. The proposals would not cause a loss of light or sense of enclosure to neighbouring occupants, given that the height, form and position of the building is unchanged. The new staircase to the front of the property would retain a similar footprint to the existing and is well setback from adjoining properties to retain levels of openness.
- 4.23. In terms of privacy, altered windows and new windows would not provide any new fields of view than those views already attained from the subject building, and therefore any impact would be neutral and not harmful. The new rear balcony being at raised ground floor level would not be at a position that could afford any overlooking opportunities onto neighbouring sites. It should also be acknowledged that there is already a rear staircase at this level along with large rear windows that allow for similar views than those to be attained from the new balcony and stairs.
- 4.24. The proposal has also been co-ordinated with the 2021 permission (2019/1515/P) to make sure that these proposals and the already consented development work in harmony. The drawings below show the consented rear elevation and proposed plan drawing. The changes proposed here would not undermine the living conditions of the consented flats given that the changes are set away from the consented building or are against non-sensitive parts of the new building (such as blank flank walls). The proposed adaptations

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would have no impact on the living quality of future occupants of the already consented scheme.



Image – proposed rear elevation of consented scheme (2019/1515/P)



Image - Proposed ground floor drawing of consented scheme (2019/1515/P). Note: the balcony would be sited near to the flank wall of the new flats, and the front main staircase is in a similar position to the existing staircase

4.25. In terms of impact towards existing occupants of 26 Netherhall Gardens itself, the proposals are expected to improve existing living conditions. For the lower ground floor flat (Flat 1), the proposals include enlarging window openings and extending the lightwell, which will improve outlook and daylight to the unit. For the ground floor flat (Flat 2), the new staircase to the rear would improve access to the communal garden,

whilst the small balcony would provide a small quantum of private amenity space. For all flats, single pane windows would be replaced with double glazing allowing the units to better retain heat allowing energy consumption to be reduced.

- 4.26. Overall the proposals comply with Local Plan Policy A1 given that existing standards of amenity are protected and where possible improved.

Impact to Trees

- 4.27. The following policies from Camden's Local Plan are relevant to environment:

Policy A3 Biodiversity

- 4.28. The application is supported by a Tree Report, Arboricultural Statement and Tree Protection Plan. As set out within these documents. Excavation is proposed within the RPA of T1 (oak), T3 (cherry), T4 (lime) and T10 (Japanese maple). However, only a small portion of each RPA will be affected so the impact shall be minimal and tolerated by each tree with no observable detrimental impact.
- 4.29. In order to ensure soil disturbance is kept to the minimum possible for T1 and T10, it is proposed to excavate using hand tools (within the upper 0.6m of the soils) and to ensure that the foundations do not extend more than 250mm beyond the footprint of the proposed stairway.
- 4.30. The tree protection drawing details how trees will be protected during construction on site.
- 4.31. Overall the proposals are consistent with Council policy that seeks to protect biodiversity within the borough.

5. Conclusions

- 5.1. This statement has demonstrated compliance with the 'Development Plan' which comprises the London Plan (2021) and Camden's Local Plan (2017).
- 5.2. The proposals entail modest changes to the existing building and have been carefully designed to respect local context and character. In addition, the proposal would preserve the character and appearance of the building and its contribution to the Conservation Area. The proposals utilise traditional materials found locally, in addition new brickwork and tiling would match the existing materials on the building.
- 5.3. The proposals have been carefully designed to ensure amenity of neighbours is protected in terms of privacy, sunlight/daylight, outlook and sense of enclosure. In addition, living conditions for the existing occupants within the subject building would be improved due to enhanced outlook, daylight/sunlight and thermal efficiency.
- 5.4. The scheme will retain and protect all trees of value.
- 5.5. The scheme creates additional benefits by way of dedicated bin and cycle stores.