

Address:	5 Cannon Place Hampstead NW3 1EH		5
Application Number:	2023/0313/P	Officer: Joanne Clark	
Ward:	Hampstead		
Date Received:	23/1/2023		
<p>Proposal: Change of use from single dwellinghouse to two-bedroom flat at lower ground floor and seven-bedroom maisonette over upper floors, lowering of existing basement level, fenestration changes, new bin and bike stores, new external stair to side rear, paved area and erection of 1.6m high metal railings and gate in front garden.</p>			
<p>Background Papers, Supporting Documents and Drawing Numbers:</p> <p>2211-03_PL_001 (Site Location Plan), 2211-03_PL_ Existing Drawing Rev A, 2211-03_PL_Proposed Drawings Rev G, 2211-01_PL_110_Existing Window Details, ""11-01_PL_111_Proposed Window Details.</p> <p>Design and Access Statement (V2)</p>			
<p>RECOMMENDATION SUMMARY: Grant conditional permission subject to a Section 106 Legal Agreement</p>			
Applicant:		Agent:	
Dr Anna Burrage 5 Cannon Place Hampstead NW3 1EH		Mr Joe Wright Joe Wright Architects Ltd 14 Manchester Road South Tottenham N15 6HP	

ANALYSIS INFORMATION

Land Use Details:		
	Use	Floorspace (GIA sqm)
Existing	C3 – Dwellinghouse	325sqm
Proposed	Class C3 – 2 x Dwellinghouses	325sqm

OFFICERS' REPORT

Reason for Referral to Committee: a proposal submitted by a Member of the Council [Clause 3viii)].

EXECUTIVE SUMMARY

- i) The application site comprises a 4-storey detached dwellinghouse, located in the Hampstead Conservation Area.
- ii) The conversion of the premises to two units is welcome as this would provide extra housing, which is much needed in the borough. The proposed two homes would provide acceptable levels of amenity to future occupants.
- iii) The proposed external works; the stair, the fence, the bin and cycle stores and elevational changes are all very minor and would not harm the character of the building or the conservation area.
- iv) The proposed new stair and windows would not have a material impact in the amenity of neighbouring properties, given their location.
- v) Given the above, the proposals are acceptable in terms of land use, design, conservation and amenity.

1 SITE

- 1.1 The application site comprises a 4-storey detached dwellinghouse, the lower ground floor of which is exposed to the front, but not the rear of the property. It is located on the north side of Cannon Place.
- 1.2 The site is located within the Hampstead Conservation Area. The house and its neighbours on the north side of Cannon Place were built in the late 18th Century (1880s).
- 1.3 The house and its neighbour at no. 3 are identified in the Hampstead Conservation Area Statement (along with numbers 2-10 and 7-25) as making a 'positive contribution to the special character and appearance of the area' and are noted as 'an unusual pair'.
- 1.4 There are a number of listed buildings and structures on Cannon Place: No.1; No.12(II*); No.14(II*); Cannon bollards & two early 19th century lampposts; Cannon Place (south side), bollards, including garden walls & gates to Cannon Hall No 14.
- 1.5 The site is located within the Hampstead Neighbourhood Plan Area.



Figure 1 – The site is shown outlined in red

2 THE PROPOSAL

- 2.1 The application proposes sub-division of a single family dwellinghouse (Class C3) to create a two-bedroom flat at lower ground floor level and a seven

bedroom maisonette over the upper ground, first and second floor. As part of this the following works are proposed:

- various fenestration changes at lower ground floor level to the front and side, including new double doors to front elevation to provide access for the new flat;
- paved area to front to serve as an amenity area for the proposed new flat, with 1.6m high metal railings and gate at side of front garden and new bin and bike stores (this is within two storage areas which would each accommodate two bikes)
- installation of external stair to side to enable access to the rear garden from the upper maisonette;
- new fence on top of existing wall at rear side (2m high combined) and gate at top of external stair; and
- slight lowering of existing lower ground floor to create sufficient headroom within the flat.

2.2 The existing basement floor level would be lowered slightly (this varies from 180mm to 340mm) to create additional floor to ceiling height for the lower ground floor flat; excavation to accommodate the lower level would not be below the existing foundations. The basement, which is part of the original house, is currently in use as part of the house; it has a separate kitchen, a bathroom and WC, and further rooms which have been used as bedrooms, playrooms, and storage. Ceiling heights are relatively low, ranging from 2.0-2.2m.

2.3 New and enlarged windows and doors would all be traditional in style and timber framed to match existing (with the addition of trickle vents which are thin horizontal openings to allow for ventilation).

2.4 For clarity, there are no changes proposed to the existing front wall which is approximately 1.8m in height overall (the section of existing wall nearest the gate opening is 1.8m above pavement level with a stone-capped pier next to the gateway being 250mm above that. The pavement slopes down to the east so the next section of brick wall steps down by one brick course). The short section (approx. 3m) of 1.6m high metal railings/gate which is proposed is perpendicular to the front wall and provides separation to enable a private amenity area to be formed for the flat together with screening/an enclosure for the bin stores for both properties.

2.5 Initially the application also included an air-source heat pump (ASHP) within the courtyard area to the west side of the house however this has since been omitted from the scheme.

3 RELEVANT HISTORY

3.1 No relevant planning history.

4 CONSULTATION SUMMARY

Statutory Consultees

4.1 Hampstead Neighbourhood Forum

No comment.

Other Consultees

4.2 Hampstead Conservation Area Advisory Committee

No comment.

Heath and Hampstead Society

The Society stated that there are no plans showing the front boundary wall and if it is to be changed, they would wish to comment further.

Officer's response: *No changes to the front wall are proposed.*

Adjoining occupiers

4.3 A site notice was displayed from the 17/03/23 to 10/04/23. An advert was placed in the local press on 23/03/23.

4.4 Five representations from neighbouring residents have been received. One supports the proposals 'with the exception of the ASHP'.

4.5 A further resident expressed concern about the ASHPs; one objects to removal of the garden wall and its replacement with a fence which would blight the street and undermine the historic symmetry with the neighbouring property, and they also consider that fenestration changes at the front will also harm this symmetry, all with harm to the character of the street. Another resident is concerned about the 1.8m high fence in terms of this possibly being out of character and hiding the historic architecture.

4.6 Another resident has expressed concern that the proposed alterations to the east elevation, to lower ground levels, will undermine the foundations of the garden wall and their home and potentially destabilise the flank wall, causing collapse. They are also concerned that work to the front garden appears to have begun and that the proposed new front garden will have significantly less greenery than what was originally there. Finally they state that the property does not have off-road parking and Cannon Place is a narrow road, and would like assurance that the works will not limit road access and parking.

4.7 Officer's response:

- The ASHP is no longer part of the application.
- No works are proposed to the original front wall.
- The application has been amended to remove the 1.8m high section of fence and timber gate and these have been replaced with a lower, 1.6m high section of metal railings, with a metal gate of the same height. This boundary treatment would be perpendicular to the retained front wall, which is 1.8m high, and would provide privacy to the new amenity area for the

proposed flat and would also screen/enclose the proposed bin stores. This is an improvement on the fence both in terms of height and materials. It would appear subservient to the front wall and overall the architecture could still be enjoyed.

- The fenestration changes to the front mirror those made at the adjacent property, no. 3 Cannon Place which also has French doors and two small front windows at ground floor.
- The excavation works proposed are relatively modest, varying between 180mm and 340mm, and do not extend below the existing foundations.
- With regard to loss of greenery, the planning system cannot control this (apart from where TPOs are in place, or conditions to retain certain features such as hedges). No trees, hedges or significant shrubs would be removed and the proposals do include some new planting beds, lawn and a planted privacy screen to the window to proposed bedroom 1 in the flat, soft landscaped areas will total 31sqm.
- In terms of parking, the applicant will be required to enter into a S106 Agreement to prohibit them from obtaining parking permit for the new flat. The applicant will remain in residence in the maisonette. There would be no loss of parking on street.
- The works overall would not harm the symmetry of the pair of houses or the character of the street and conservation area.

5. POLICIES & GUIDANCE

National Planning Policy Framework 2021

The London Plan 2021

D4 Delivering good design

D6 Housing quality and standards

HC1 Heritage conservation

Camden Local Plan (2017)

H1 Maximising housing supply

H3 Protecting existing homes

H7 Large and small homes

A1 Managing the impact of development

A5 Basements

D1 Design

D2 Heritage

T2 Parking and car-free development

T4 Sustainable movement of goods and materials

Hampstead Neighbourhood Plan 2018

DH1 Design

DH2 Conservation areas and listed buildings

BA3 Local Requirements for Construction Management Plans

TT4 Cycle and car ownership

HC1 Housing mix

Camden Planning Guidance

CPG1 Design (2021)

CPG4 Basements (2021)

CPG6 Amenity (2021)

Hampstead Conservation Area Statement 2001

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Principle of the conversion
- Design and Heritage
- Residential Amenity
- Basement
- Transport

Principle of the conversion

- 6.2 The application proposes sub-division of one large dwelling into two, and associated works. This creation of one new dwelling supports the priority land use of the Local Plan and, in creating a two bed flat also positively responds to policy HC1 (Housing mix) of the Neighbourhood Plan, which encourages smaller dwellings. It is therefore acceptable in principle, subject to assessment of the material considerations listed below.
- 6.3 The proposal would result in one large 7 bedroom maisonette with large rear garden and a two bedroom flat with a reasonable size amenity space to the front/side. The existing lower ground floor level is to be lowered slightly (by a maximum of 340mm) to create additional ceiling height for the lower ground floor flat; excavation to accommodate the lower level would not be below the existing foundations. This would mean that the 2.5m minimum ceiling height (to min. 75% of floor area) set out in the London Plan would not be achieved. However, a 2.3m clear ceiling height would be achieved to 100% of the floor area (except storage). Whilst 2.5m is considered desirable in new builds, 2.3m is sufficient and taking account that this is a conversion is considered to be acceptable.
- 6.4 The floor area of the proposed two bedroom flat would be 80sqm GIA (the area of the existing lower ground floor). The minimum nationally described space standards for a two-bedroom (four person) apartment over a single storey would be 70m². It would have two double bedrooms and a large (35m²) open plan living, dining and kitchen area.
- 6.5 The flat would be entered via the front path, shared with the upper maisonette, with the new front door and entrance lobby being below the existing entrance steps to the upper ground floor. The flat would have an entrance hall with coat storage, from which the two bedrooms, bathroom and south facing living area

would be accessed. Doors in the living room would give access to the front garden. The layout, room sizes and overall levels of amenity are very good.

- 6.6 The amenity area for the flat within the front garden and side passages/courtyard totals 67sqm, of which 31sqm would be soft landscaped as either lawn or planted bed. The rear garden is 240sqm, of which 175sqm is soft landscaped. The south-facing external amenity space would be 29sqm in area (including the side passage but excluding 5m² for external bike/bin storage), of which 20.5sqm would be soft landscaped - lawn or planted bed. The remaining 33sqm side passage / courtyard area would include 3m² of planted bed. The upper maisonette would occupy the remaining floor area over ground floor (upper), first and second floors totalling 245sqm, and retain the full rear garden. These proposed areas would meet the minimum space standards in the London Plan, with the exception of ceiling heights which is limited by structural viability.
- 6.7 As described above, the proposed apartment would have a good sized private garden. The lowering of the existing ground level to this area would enhance the screening and privacy provided by the existing brick wall along the front boundary. As set out above, a short section of metal railings would separate the garden from the access path shared with the upper maisonette. There is a good existing example of a private garden fronting the street at No. 2 Cannon Place (opposite the site).

Design and Heritage

Legislative and policy/guidance background

- 6.8 As stated above in the site description, the house is within a conservation area and there are a number of listed buildings in the street, although none immediately adjacent or opposite. In determining the application, the Council has a statutory duty to protect the significance of these heritage assets.
- 6.9 In terms of legislative background, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. No listed buildings would be affected by the proposals.
- 6.10 The effect of this section of the 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). This section of the report assesses whether there is any harm to heritage assets from the proposal.
- 6.11 The duties imposed by the Listed Buildings and Conservation Areas Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory

Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

- 6.12 In addition to more strategic policies in the London Plan, at the local level, the relevant development plan is the Camden Local Plan and the Hampstead Neighbourhood Plan.
- 6.13 Relevant to design and heritage the Local Plan includes Policy D1 that seeks to secure high quality development that respects local character and context. Policy D2 restates the statutory test above and requires that development takes account of conservation area appraisals.
- 6.14 The site is within 'Character Area B The Outer Village' in the Hampstead Neighbourhood Plan and Policy DH1 requires proposals to demonstrate how they respond to the distinctiveness and history of the Character Area and how they respect and enhance the local context. DH2 relates to conservation areas and listed buildings, requiring that development has regard to conservation area appraisals and makes a positive contribution to the area.
- 6.15 Neighbourhood Plan Appendix 2 Character Areas notes 'There are a few formal terraces of houses in the area; Cannon Place offers paired villas creating a consistent and more urban ensemble along the street.'
- 6.16 To support the above policies the Hampstead Conservation Area Statement provides local guidance to ensure preservation and enhancement of the area. Cannon Place is within Sub Area 2 Christchurch/Well Walk and The house and its neighbour at no. 3 are identified in the Statement (along with numbers 2-10 and 7-25) as making a 'positive contribution to the special character and appearance of the area'; nos. 3 and 5 are noted as being 'an unusual pair'.



Figure 2 – The front elevation



Figure 3 – Front elevations of numbers 3 and 5 Cannon Place and view further along the street

Works within front garden

- 6.17 The front garden which currently serves the house, will become an amenity area for the lower ground floor flat, and this will extend around the east side of the property. Landscaping from the garden has already been cleared. The proposals include lawn, hedging and a patio area formed using York Stone.
- 6.18 The garden would be separated from the front entrance path by new railings and gate. The bin store adjacent to this would have timber doors fronting the shared path. The two bins serving the upper maisonette would be separated from the front garden by a low brick wall and roof and only accessible from the shared path. The bins to the flat would have doors both sides for easy-access.
- 6.19 There would also be a bike store (for two bikes) tucked into the garden, next to the bin store.
- 6.20 The various fenestration changes which are described below, include the replacement of a triple-pane front window with double doors (French doors) opening onto the front garden.
- 6.21 Whilst these proposals will undoubtedly add an element of clutter to the front of the property, the works have been carefully designed and would be well screened by the existing brick wall, which is 1.8m above pavement level in the vicinity of the bin stores with a stone-capped pier which is 250mm higher, and the impact is therefore minimised, and the character of the conservation area would be preserved. The proposals should also be read in the context of the street which includes houses/flats with parking to the front and walls of various materials and heights.

- 6.22 The overall symmetry of the pair of houses (3 and 5), which are noted as ‘an unusual pair’ is not significantly undermined.

Fenestration changes and external stair

- 6.23 The largest front window at lower ground floor level is proposed to be replaced by double doors (French doors) leading to the new garden for the flat, and a small new window is also proposed to the front to provide more light to the new open plan living area. The new window will match an existing one next to it. This proposed arrangement would mirror that at the neighbouring property no.3 Cannon Place.
- 6.24 Replacement windows are also proposed in each of the east and west elevations at lower ground floor level.
- 6.25 New window openings would have decorative lintels faced in red brick to match the existing openings. Where making good would be required to existing brick work, ‘new’ bricks would be reclaimed and would match the existing. New windows / doors would be traditionally styled and timber framed to match the existing. The glazing panes would be double glazed for improved energy efficiency.
- 6.26 The proposed external metal stair (painted dark grey) would be set behind the existing entrance steps to the house (which would become the entrance to the maisonette), to the east side of the property. It replaces a stair which previously existed. It could only be glimpsed from the main street from a limited angle.

Conclusion

- 6.27 In terms of design and heritage, overall the sub-division into two dwellings and associated works to the front garden, fenestration changes and other alterations would preserve the character and appearance of the conservation area, having regard to the character appraisal in the conservation area statement which considers its significance. They would be in general accordance with the policies in the Local Plan and the Neighbourhood Plan taking into account the defined ‘outer village’ character area.

Residential Amenity

- 6.28 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The amenity standards of the proposed dwellings has been detailed above within the ‘Principle of Conversion’ section.
- 6.29 In terms of impact upon neighbouring residents, new or changed window openings and the external staircase are the main considerations.
- 6.30 A replacement window is proposed on each of the eastern and western elevations at lower ground floor level; these would serve the large open-plan living area for the flat which would have clear outlook to the front garden. A condition requiring obscure-glazing to one side window is attached.

- 6.31 An external stair is proposed to the east elevation, to give the maisonette access to the rear garden; it is understood that this replaces an earlier stair. The stair would rise from an existing courtyard onto which the side wall of no. 3 faces. This very large detached house has three small ground floor windows facing no. 5, all clear-glazed. It is understood that these serve a storeroom/occasional guest bedroom and a bathroom. At present the occupants of no. 5 are able to walk directly up to those windows (which sit directly in the boundary facing into their property), so the impact from use of the stair is not significant. The new stair would not result in a clear view into the neighbour's garden as would be largely screened by a high wall with new fence on top, totalling 2m.

Basement

- 6.32 The existing property has rooms which are at street level to the front, but below ground when the property is viewed from the rear, they are in occasional use. The proposal is to convert these to form a two bedroom flat and in order to do this – and meet requirements regarding floor to ceiling heights – some minor excavation is necessary. This varies between 180mm and 340mm and would not extend below the existing foundation levels. Given the very minor nature of the excavation, a Basement Impact Assessment and Construction Management Plan are not required in this instance. The excavation is all below the footprint of the house and there is no conflict with policy A5.

Transport

- 6.33 A key requirement of Local Plan policy is for new development to be car-free therefore, if approved, a legal agreement will be required to ensure that the occupants of the new flat are aware they are not entitled to an on-street parking permit in accordance with policy T2.
- 6.34 Each property would be served by a covered bike store to accommodate two bikes, in line with Camden Local Plan policy T1.
- 6.35 A Construction Management Plan (CMP) is not required, given the minor nature of the construction works proposed.

7. CONCLUSION

- 7.1 The application would result in the creation of one additional residential dwelling and this dwelling and the proposed maisonette meet amenity standards overall. The impact on neighbouring residents would be minimal and not harmful.
- 7.2 In terms of design and heritage, overall the sub-division into two dwellings and associated works to the front garden, together with fenestration changes and the addition of a new metal stair would preserve the character and appearance of the conservation area, having regard to its significance as set out in the character appraisal in the conservation area statement. The proposals are in

general accordance with the policies in the Local Plan and the Neighbourhood Plan taking into account the defined 'outer village' character area.

8 LEGAL COMMENTS

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

9 RECOMMENDATION

- 9.1 Grant conditional planning permission subject to a S106 Legal Agreement

9.2 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 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 Camden Local Plan 2017 and DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 3 The window on the side elevation, marked as obscured on plan number 2211-03_PL_105 rev G, shall be obscured and maintained as such in perpetuity.

Reason: To ensure there is no amenity impact in terms of overlooking, in accordance with policy A1 of the Camden Local Plan 2017.

- 4 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation of each Plot, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policy CC3 of the Camden Local Plan 2017.

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

2211-03_PL_001 (Site Location Plan), 2211-03_PL_ Existing Drawing Rev A, 2211-03_PL_Proposed Drawings Rev G, 2211-01_PL_110_Existing Window

Details, "11-01_PL_111_Proposed Window Details, Design and Access Statement (V2).

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

9.3 Informative(s):

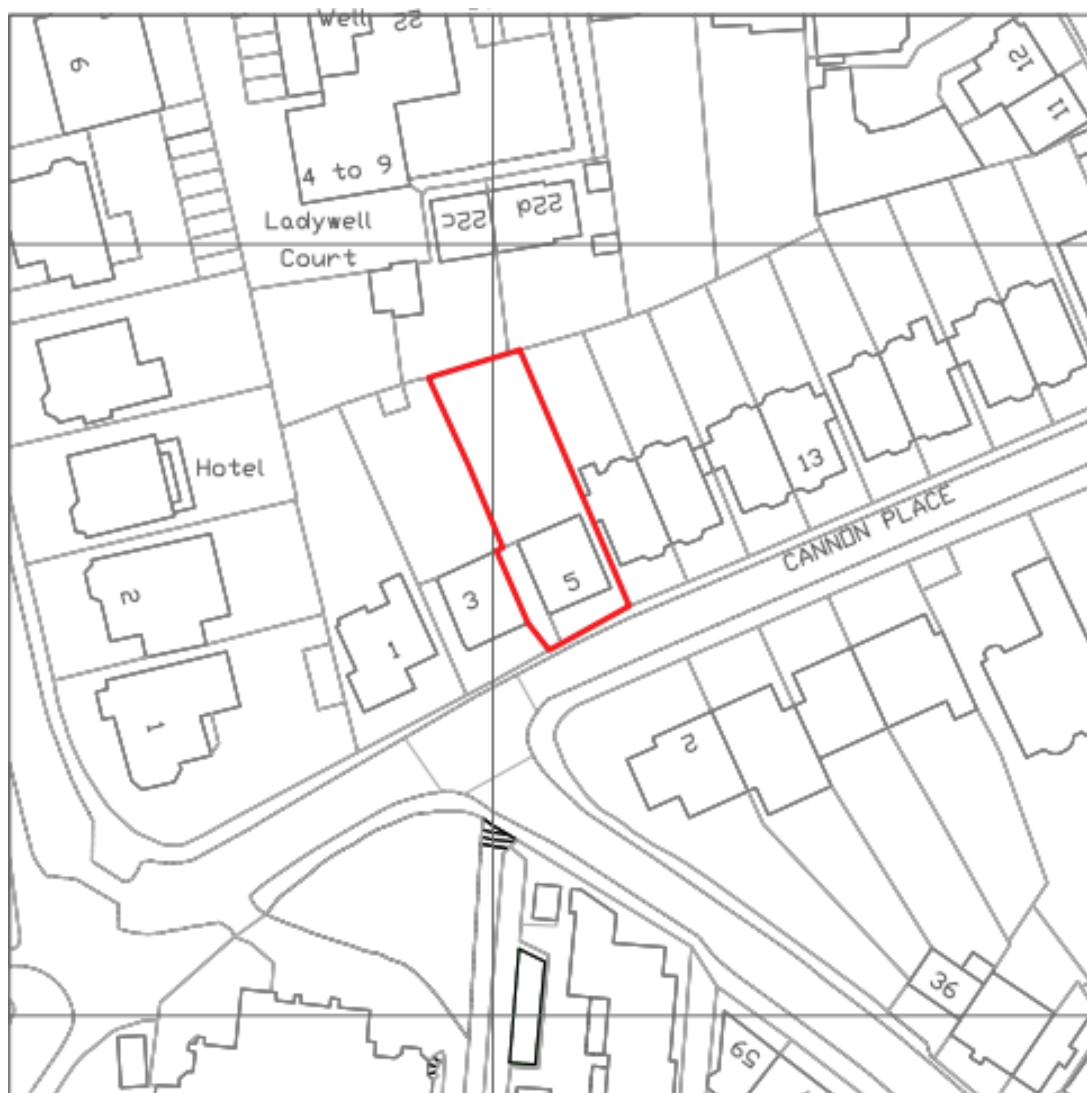
- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 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 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

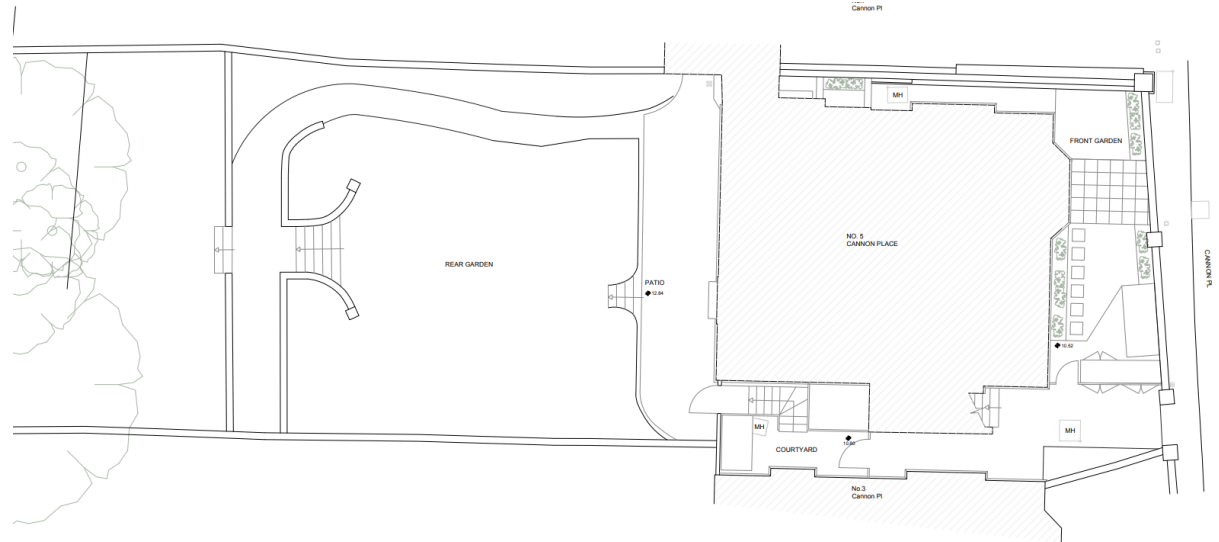
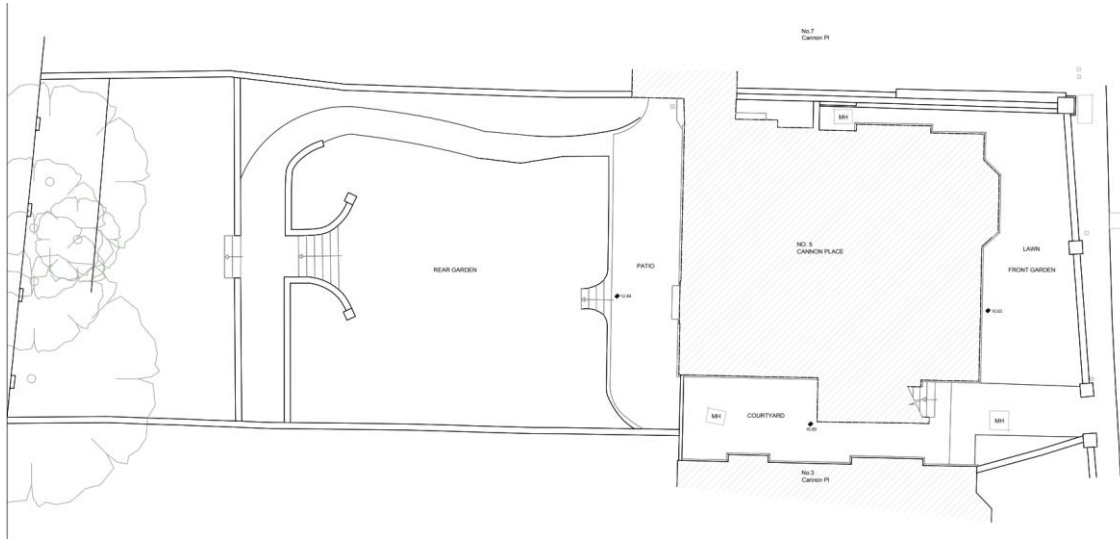
Planning Committee

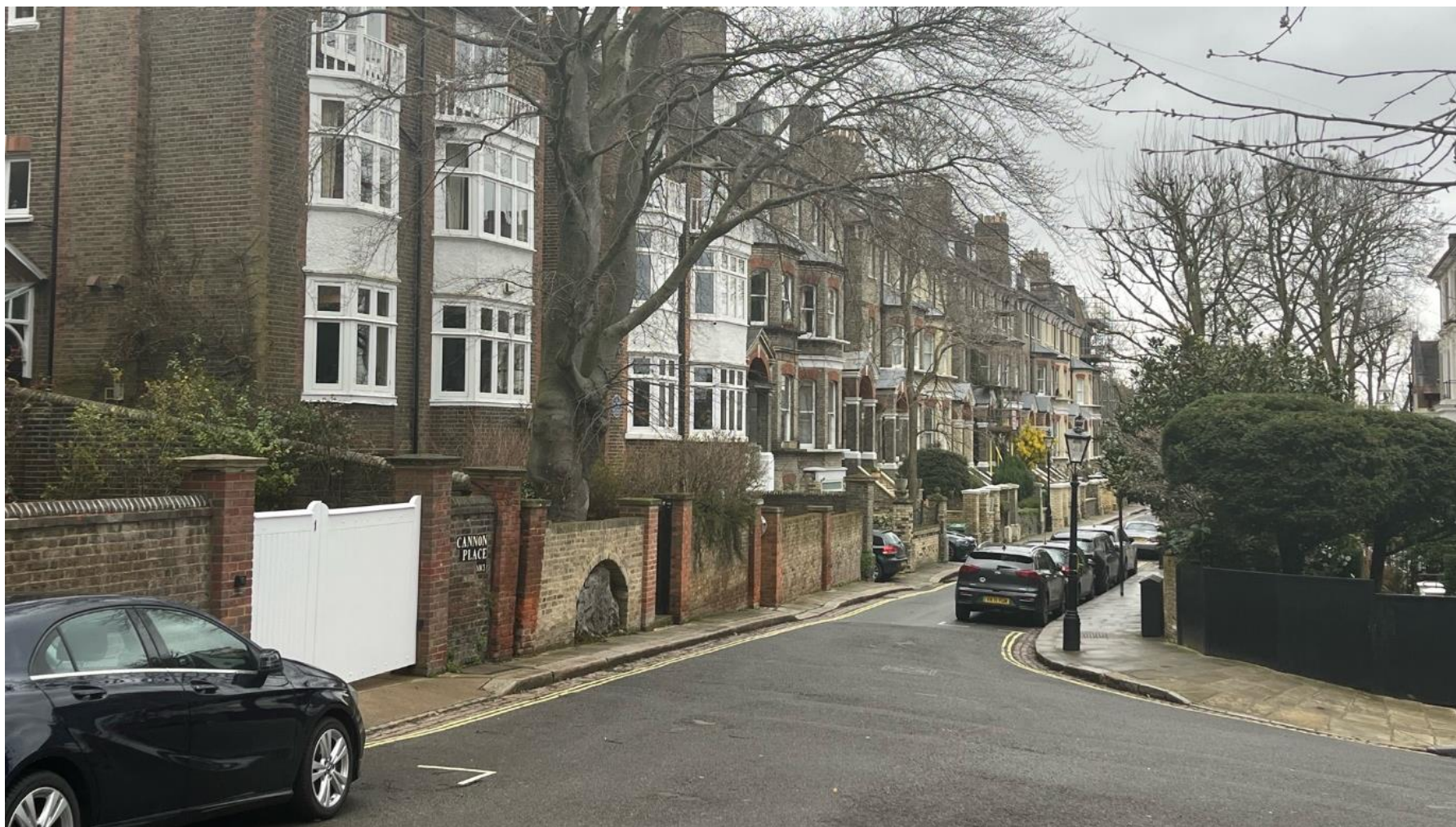
8th June 2023

2023/0313/P

**5 Cannon Place
Hampstead
NW3 1EH**

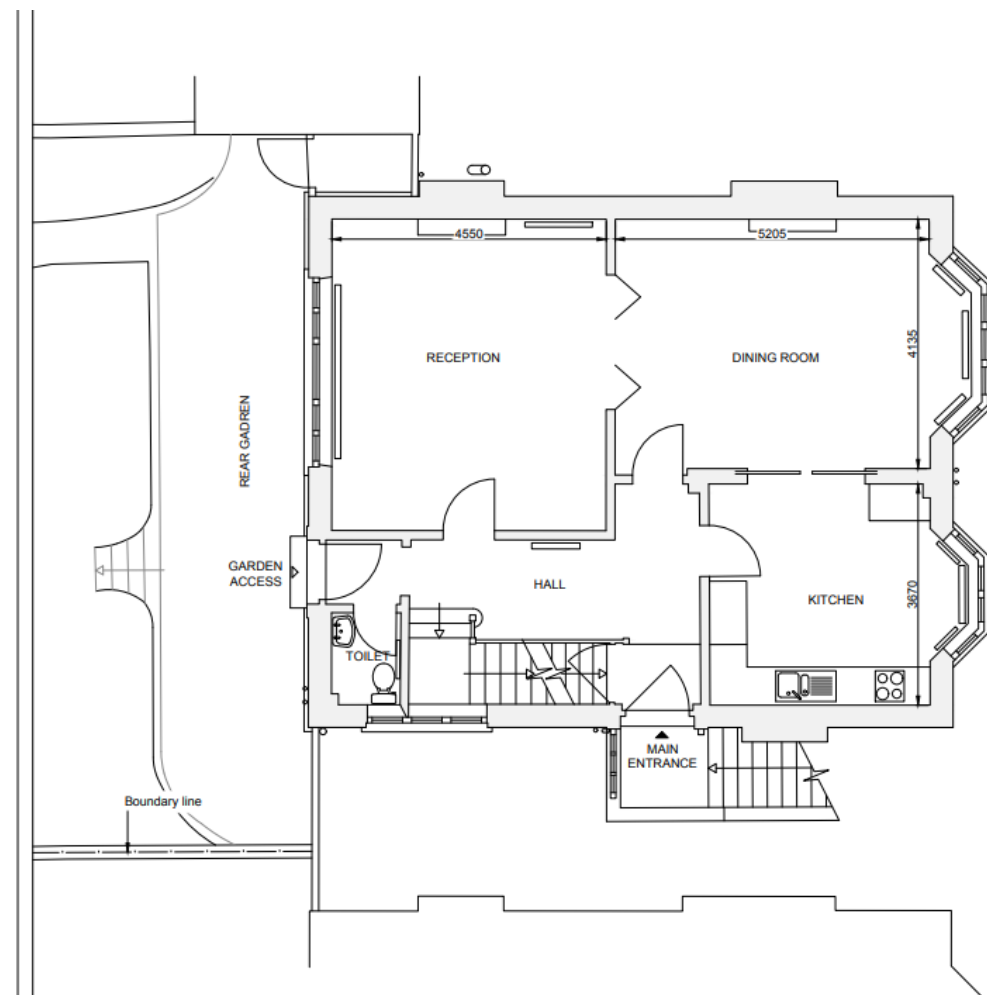
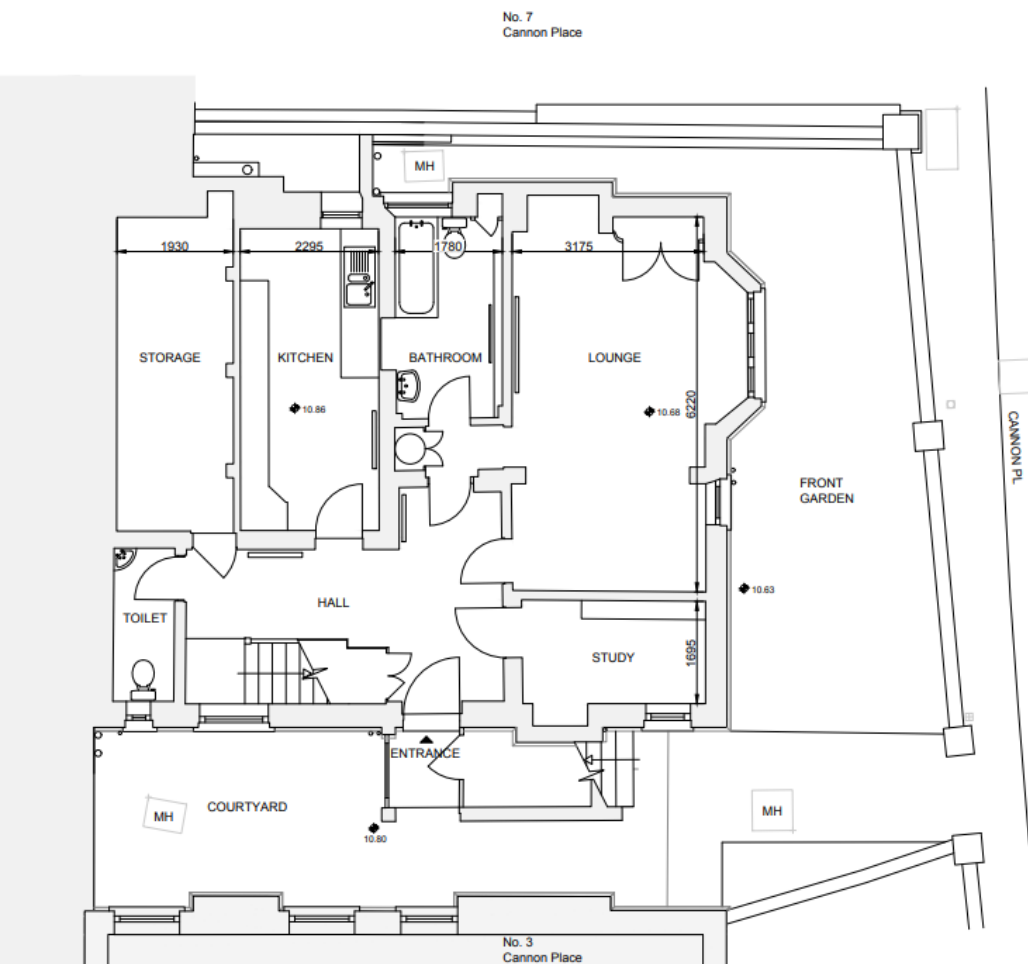


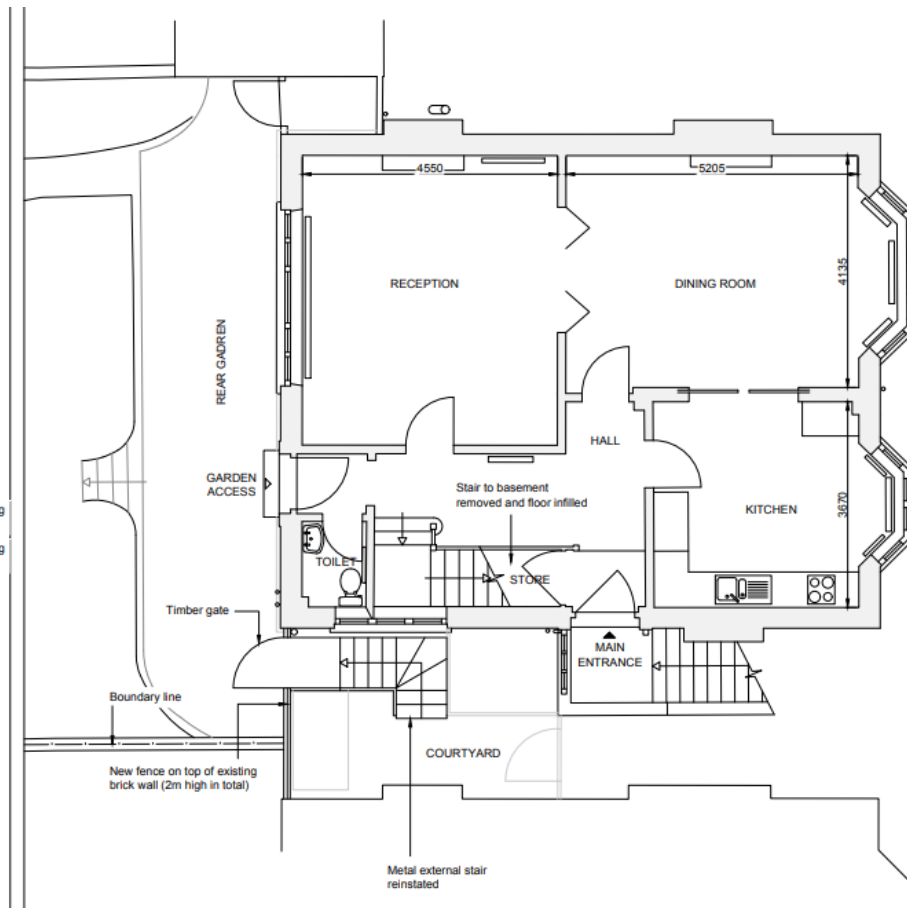
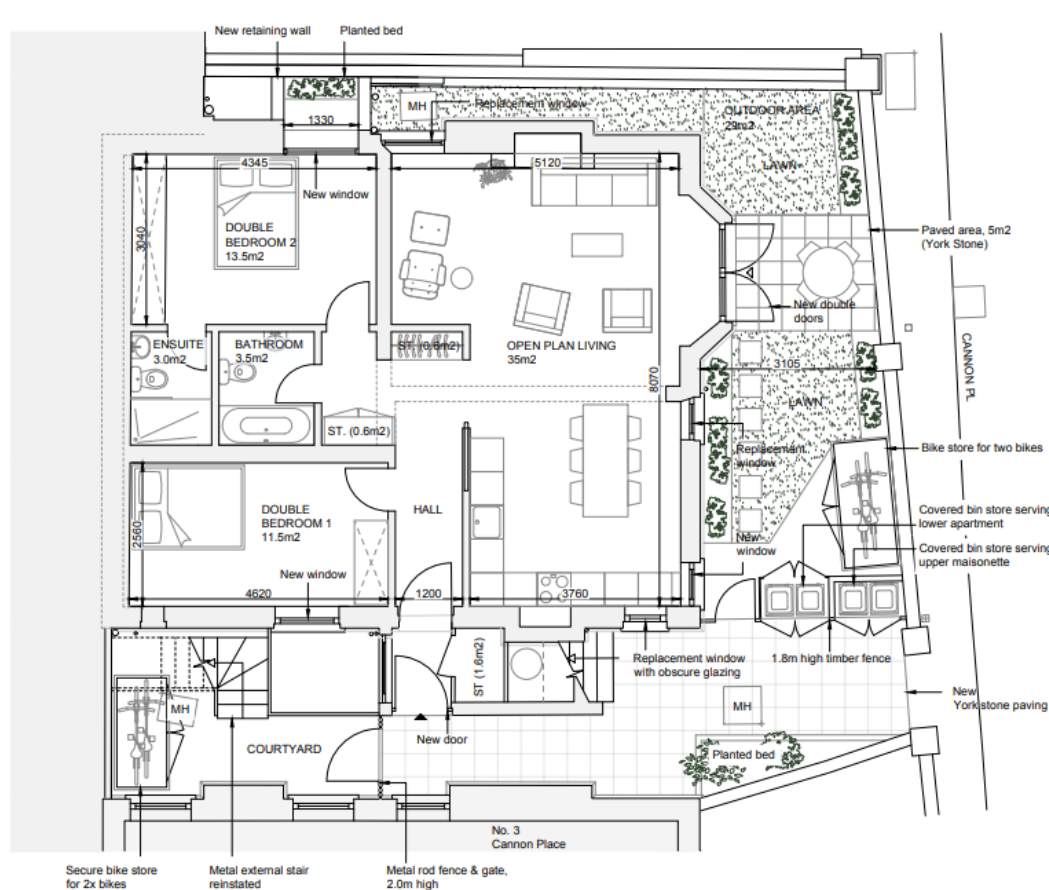


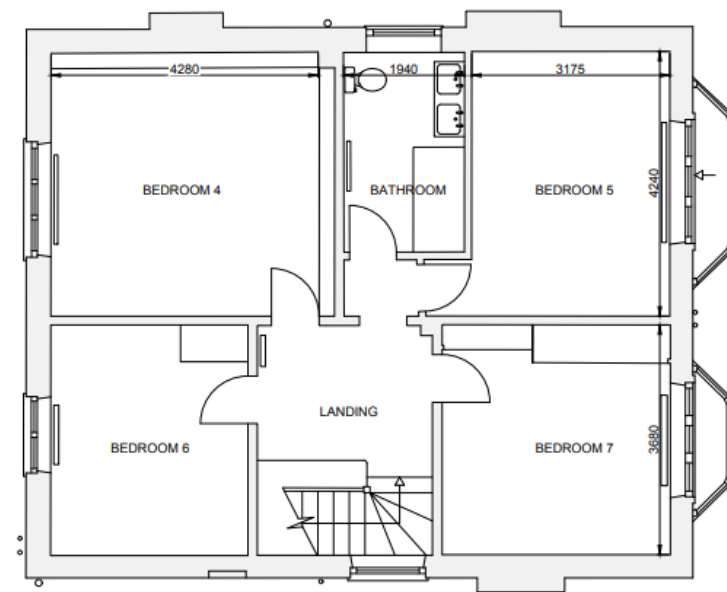
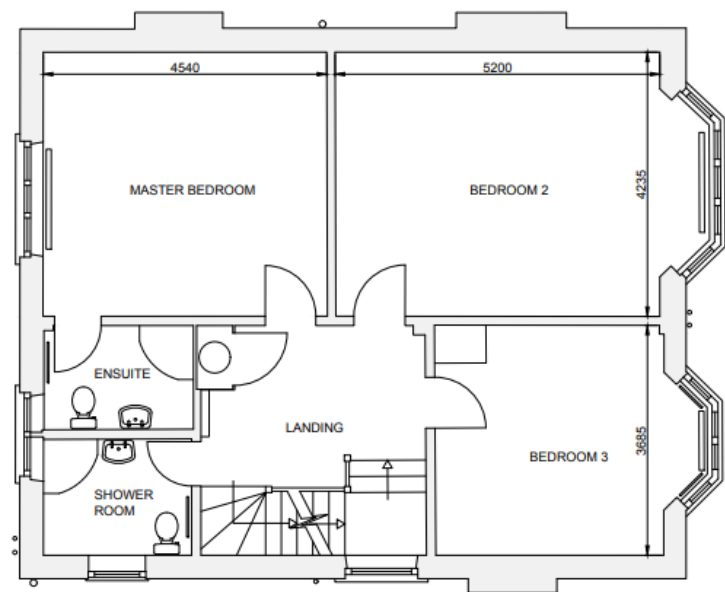


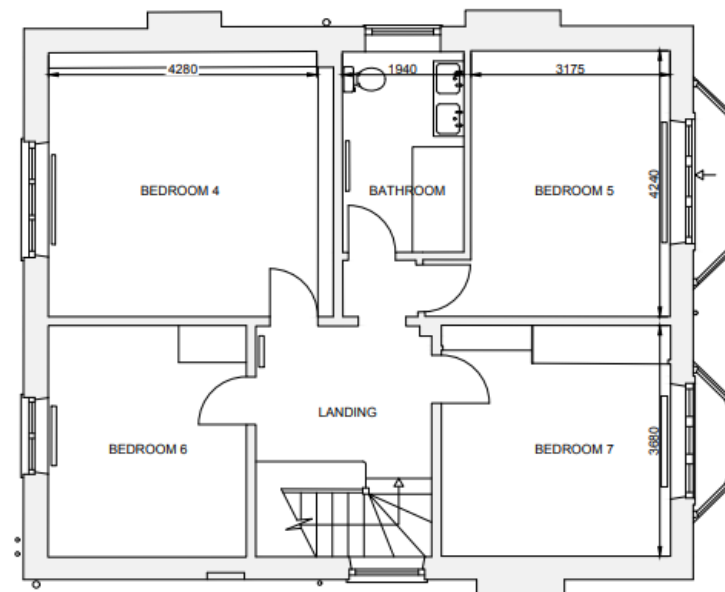
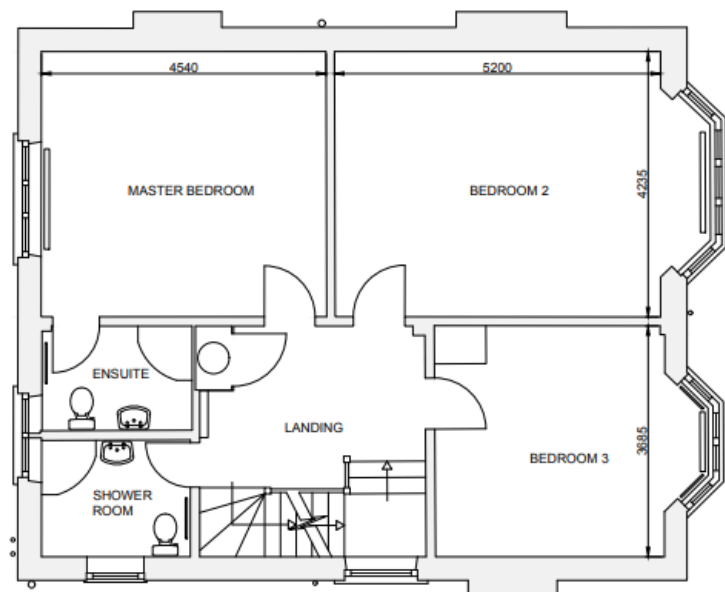


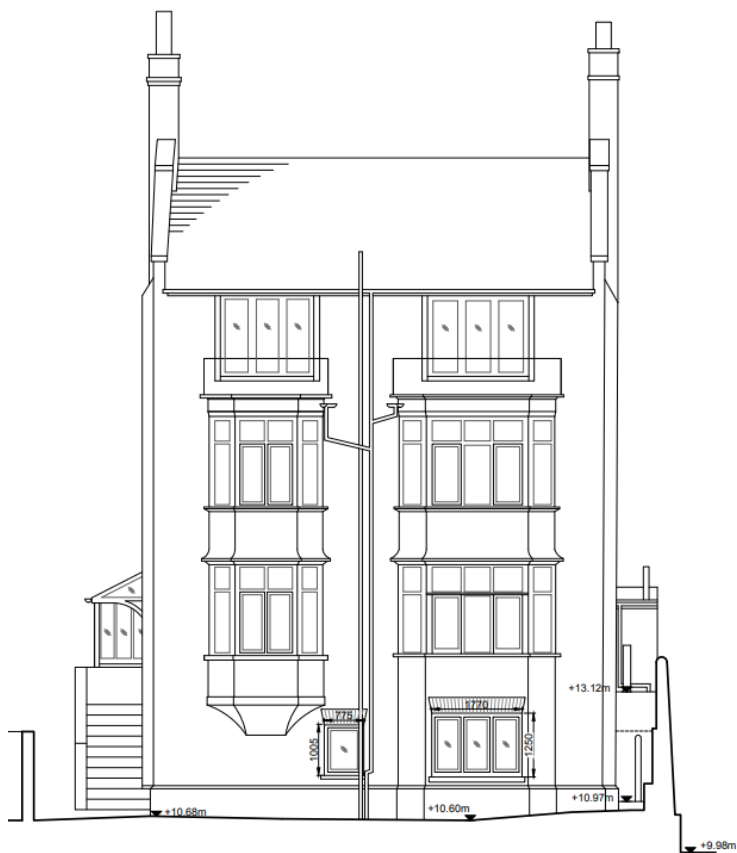


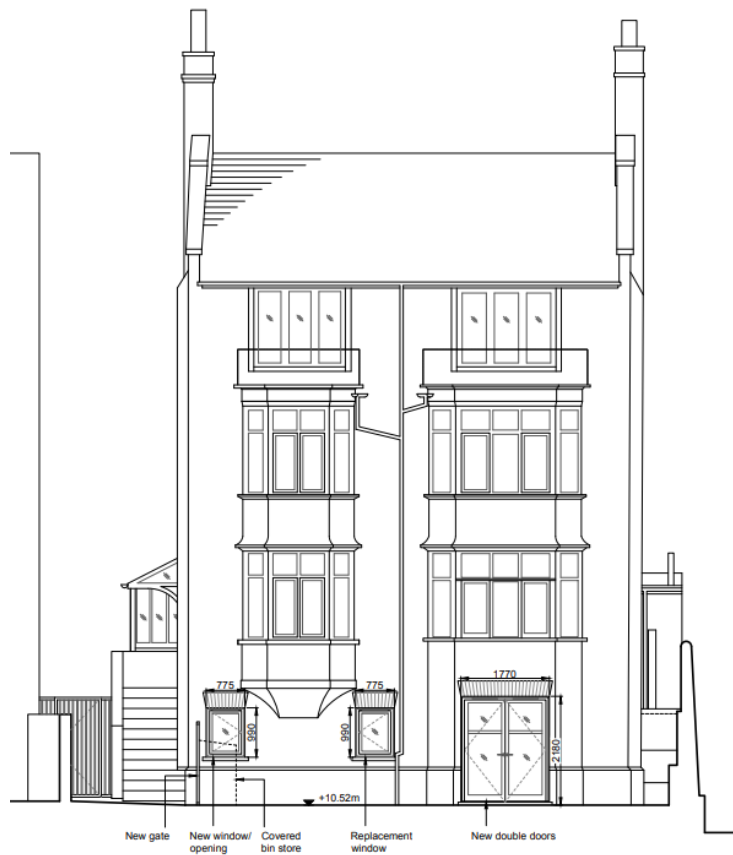


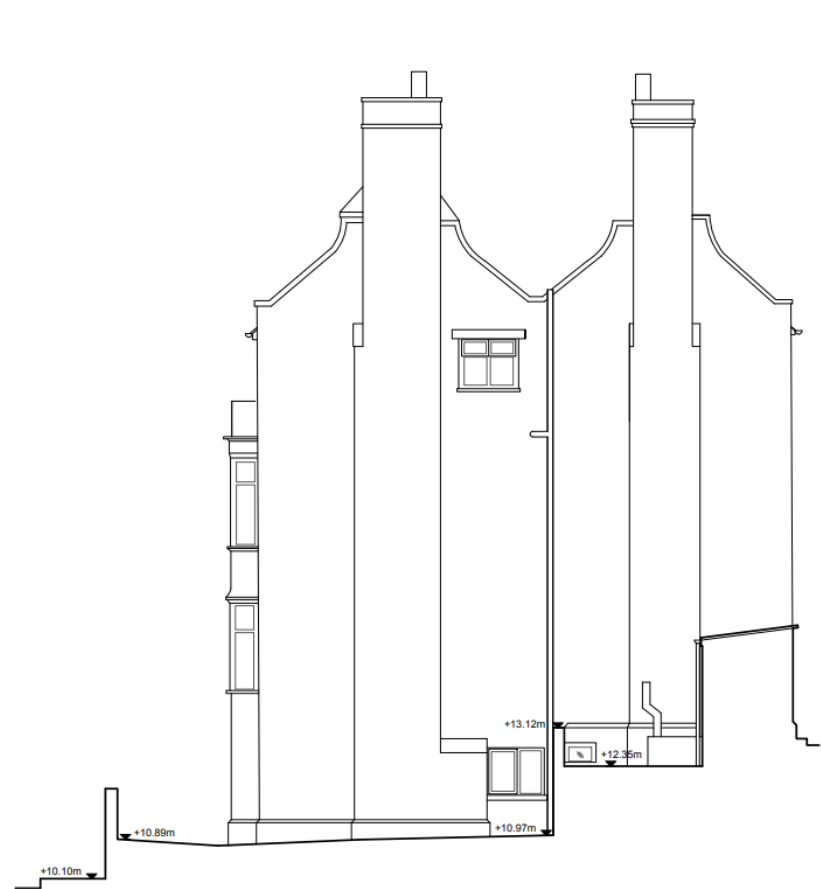


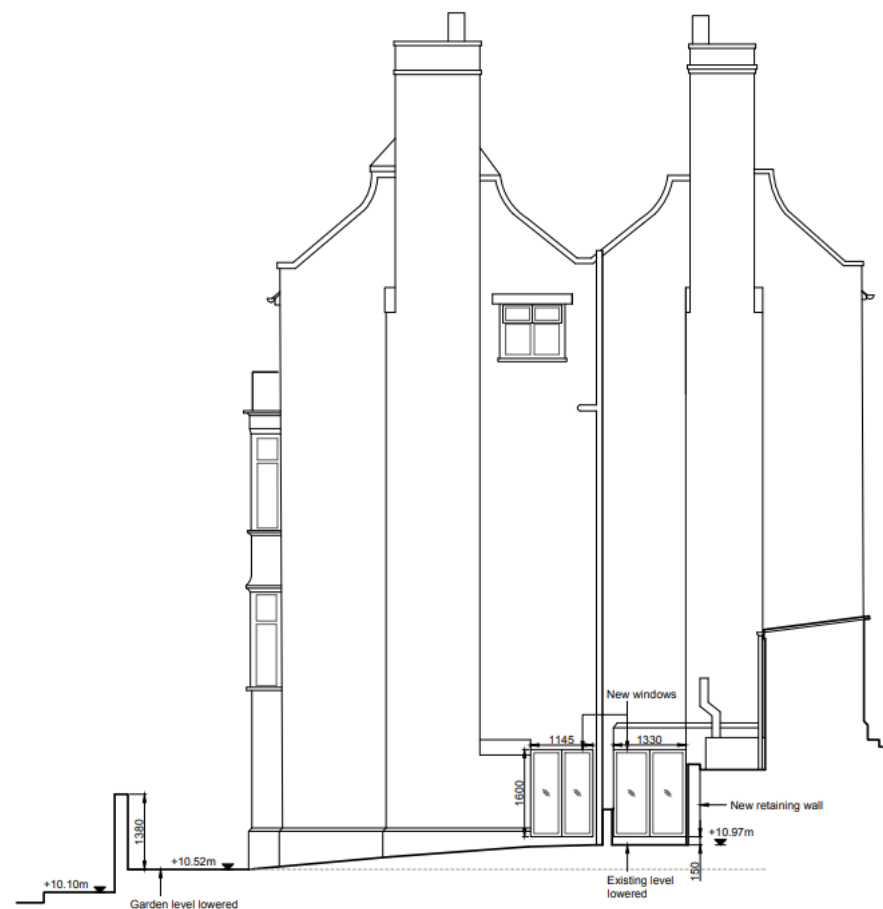


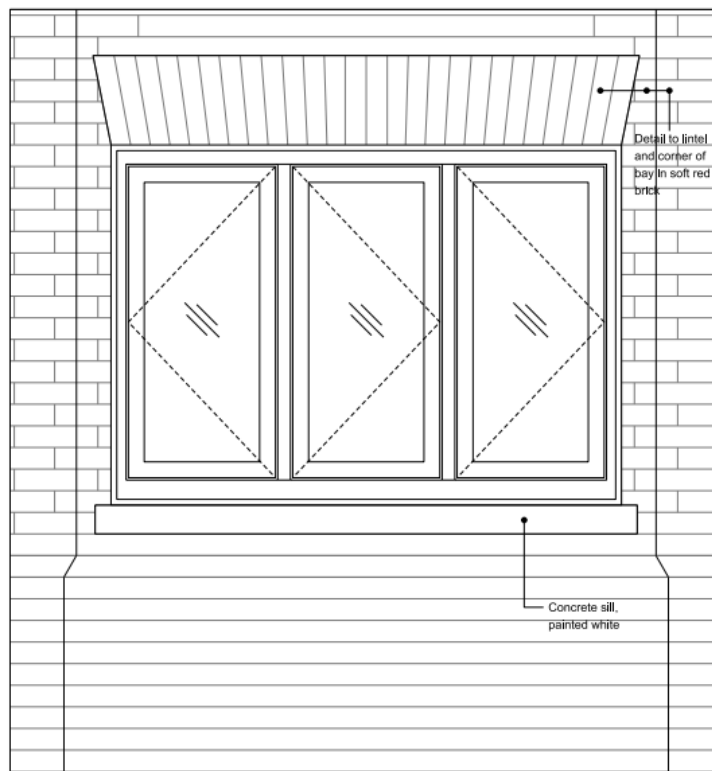
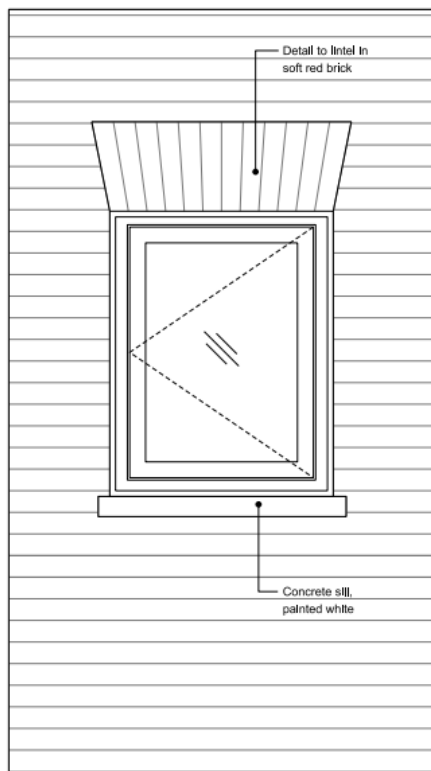


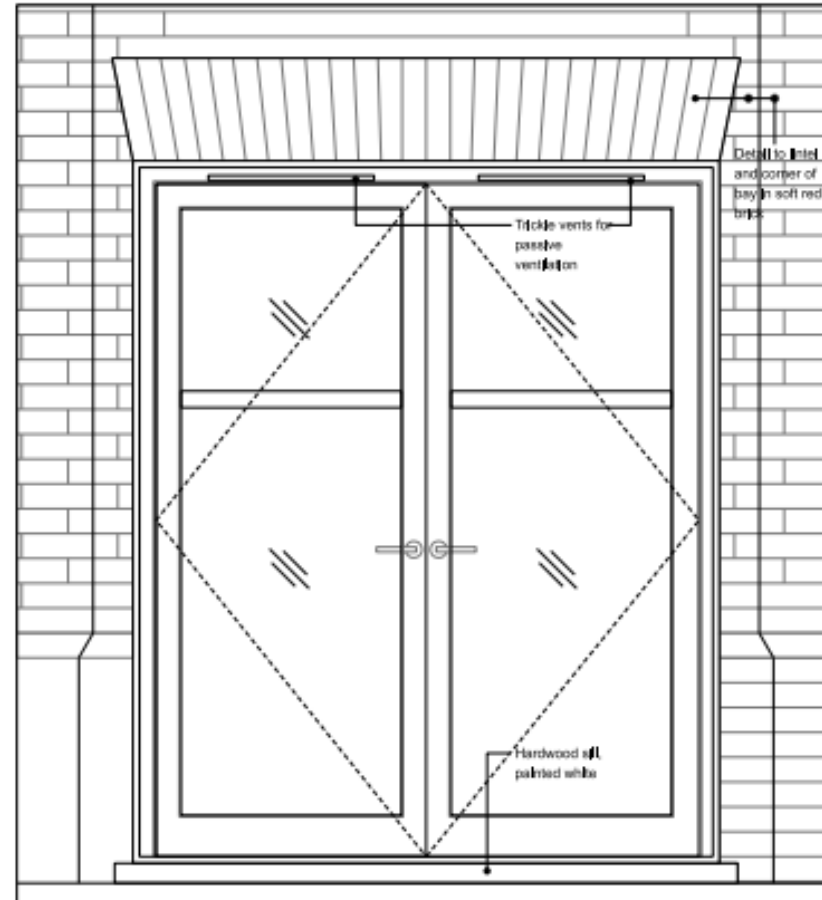
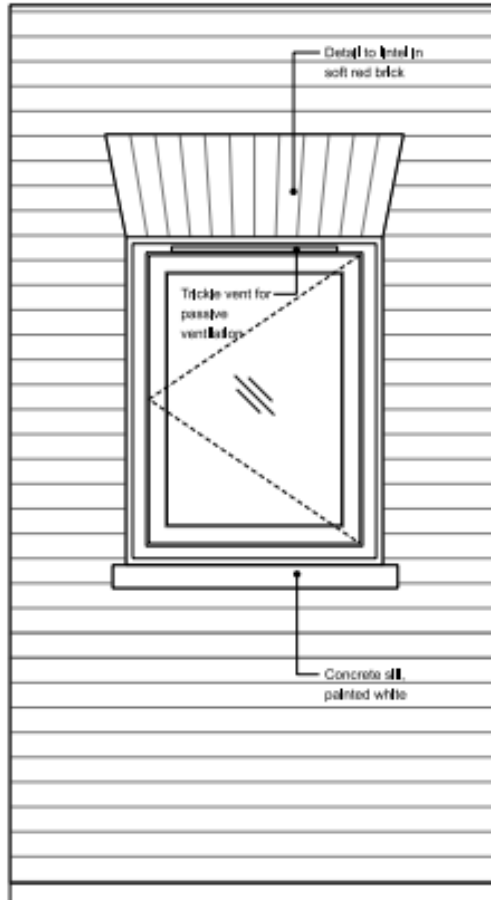


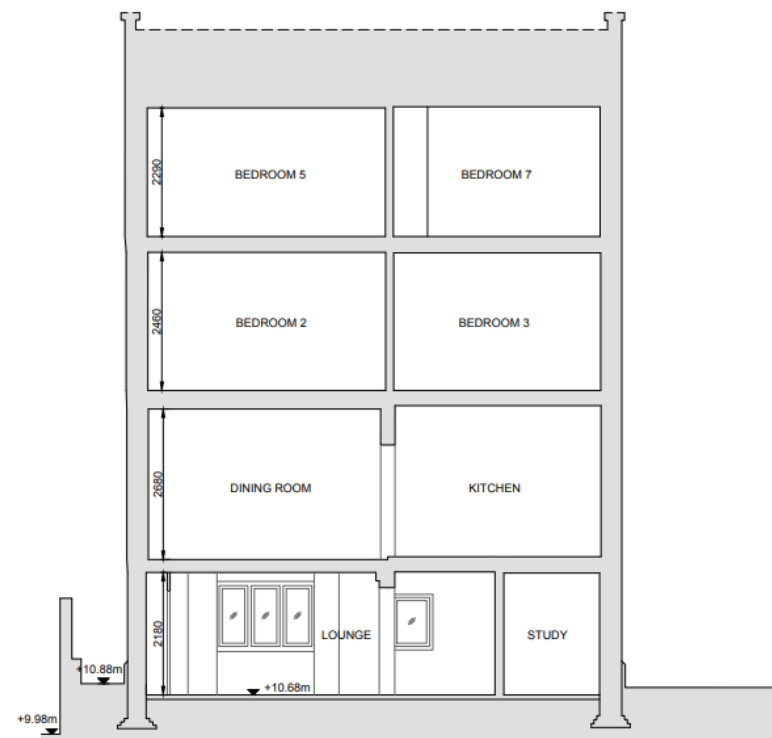


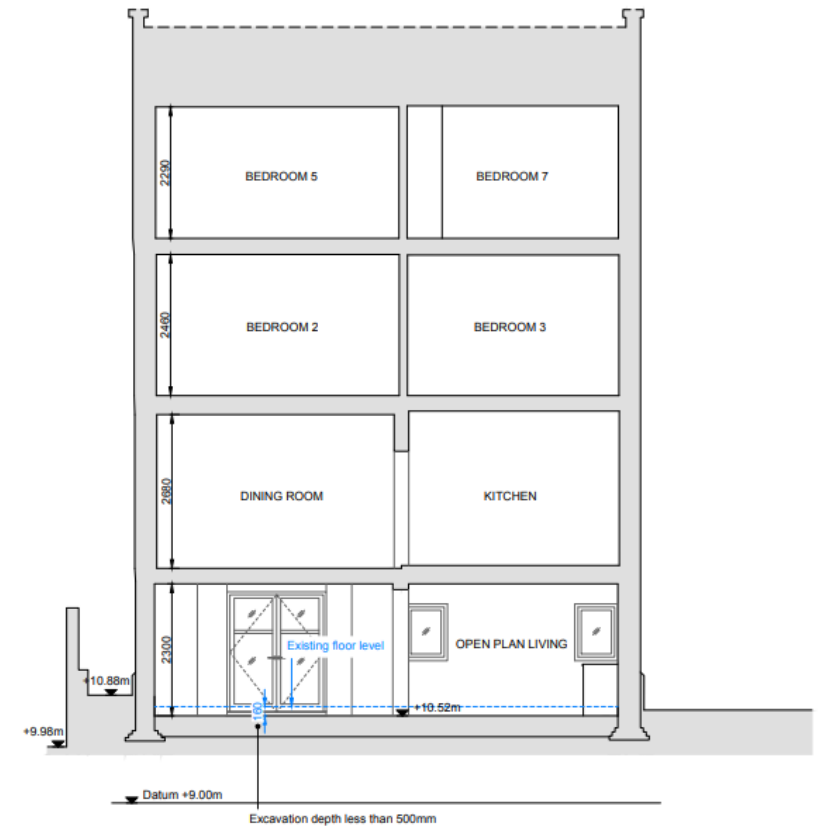


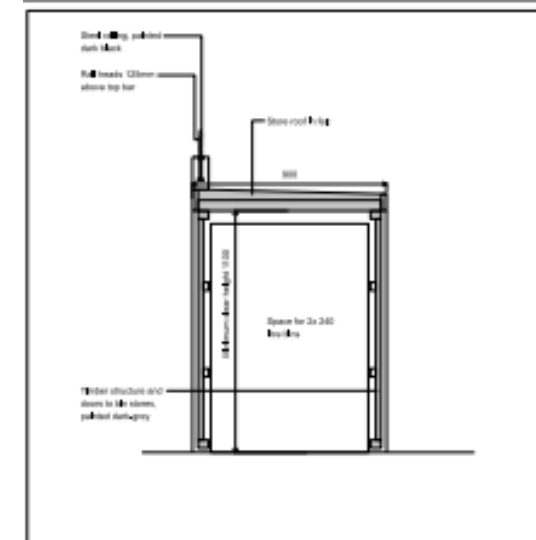
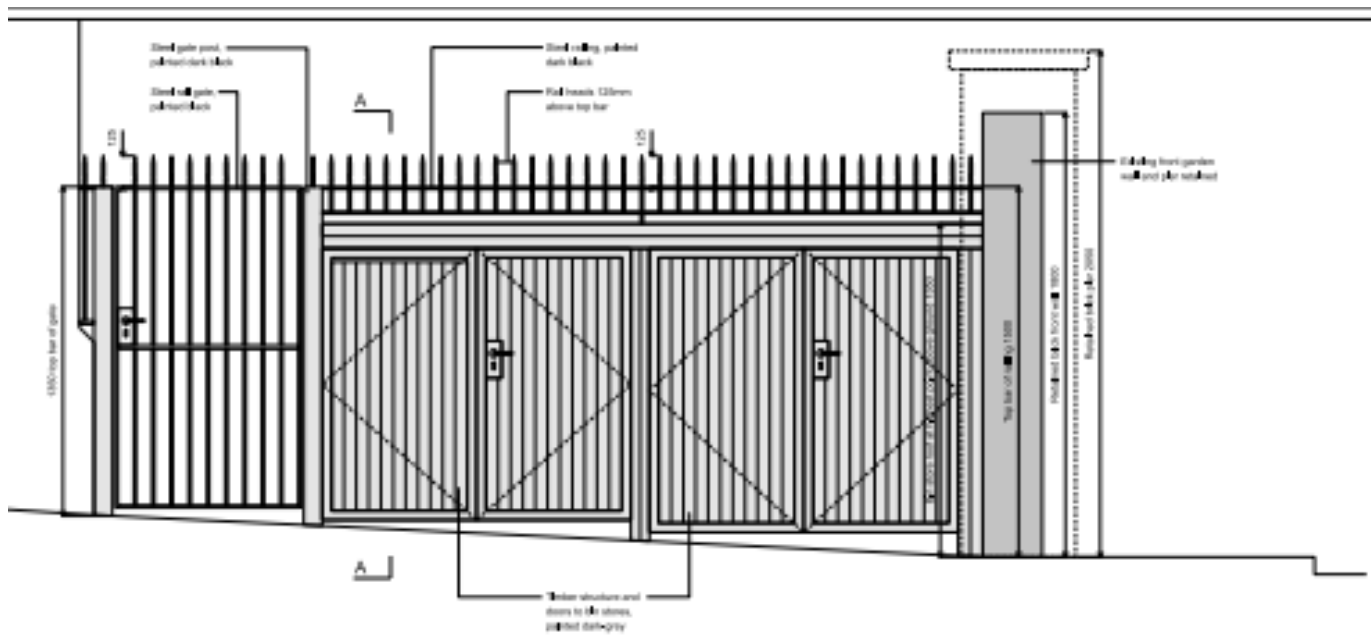
















Front garden



Side passage and boundary wall No. 7 side



Front garden



Side passage - window to existing bathroom



Retaining wall dividing side passage and rear garden - note non-original brickwork



Rear of entrance / side passage area



Side elevation to No. 3 Cannon Place - in area of external stair proposed to be reinstated



Retaining wall seen from rear garden

