

Delegated Report		Analysis sheet		Expiry Date:	17/01/2023	
				Consultation Expiry Date:	19/02/2023	
Officer			Application Number(s)			
Enya Fogarty			2022/5138/P			
Application Address			Drawing Numbers			
102 Frognal London Camden NW3 6XU			See decision			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Alterations and extensions to the existing two storey side extension including a change to roof profile front and rear dormer windows, the formation of an undercroft and installation of sliding doors on the ground floor at the front and a new chimney (retrospective application).						
Recommendation(s):		Refuse planning permission and serve enforcement notice				
Application Type:		Householder Application				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	00	No. of objections	00
Summary of consultation responses:		Site notices were displayed on 25/01/2023. These expired on 18/02/2023. The application was also advertised in the local press on the 26/01/2023. This expired on 19/02/2023. No objections were received from any neighbouring properties				

Hampstead CAAC

No response

**Hampstead
Neighbourhood
forum**

No response

Site Description

102 Frognal is a three-storey detached dwellinghouse dating from the 19th century, situated on the eastern side of Frognal within the Hampstead Conservation Area. The property is not listed but is described as a positive contributor to the conservation area in the Hampstead Conservation Area Statement.

Nos.104 – 110 directly to the north of the site are all Grade II Listed. The application building adjoins no.104, an 18th century house, at its north east corner.

The application relates to a two storey side extension on the southern side of the house. Originally there was a two storey side extension with a garage on the ground floor and a conservatory above on this side.

This was demolished and a new two storey side extension erected. It has a flat roof with front and rear roof slopes, four dormer windows in each of the front and rear roof slopes and ground floor windows/glazed doors. The ground floor is set back under the first floor at the front.

Relevant History

Application Site

EN22/0710

There is a current enforcement case (EN22/0710) relating to a potential breach of planning permission 2020/3418/P for a two storey side extension which has been erected, albeit not in accordance with the approved drawings (see Site Description above). The case remains open while the proposal the subject of the current planning application is under consideration.

2022/3053/P-Approval of details of joinery, railings and brick sample pursuant to conditions 4a & b and 5 of planning permission 2020/3418/P. Granted 19/08/2022

2022/1572/P-Replacement of single-glazed timber sash windows with double-glazed timber sash windows on the front and rear elevations and the replacement of a rear external door. Granted 12/07/2022

2020/3418/P-Alterations and extensions including replacement of the existing conservatory by a new first floor side extension, alterations to the existing garage, erection of a single-storey rear extension, re-roofing and repairs to the main house and installation of side elevation windows. Granted 10/12/2020

2018/4547/P- Single storey rear extension and excavation of basement to dwelling including no.1 rear lightwell. Installation of rooflights and replacement to windows to main house, relandscaping to rear garden'. Granted 20/08/2019

2018/1046/P-Alterations to side/rear wing roof; Replacement front door and gate; Erection of external bin store; Replacement windows to rear ground floor level. Granted 11/05/2018

2010/2071/P- Granted renewal of extant planning permission ref:2005/1284/P approved on the 09/09/2005 for the demolition of existing garage and conservatory and erection of new 2-storey dwelling house with garage. Granted 03/08/2010

2005/1284/P- *Demolition of existing garage and conservatory and erection of new 2-storey dwellinghouse with garage.* Granted 09/09/2005

Relevant policies

National planning Policy Framework 2021

The London Plan (2021)

Camden Planning Guidance 2017

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

Hampstead Neighbourhood Plan (2018)

- DH1 Design
- DH2 Conservation areas and listed building

Camden Planning Guidance

- CPG1 Design (January 2021)
- CPG Amenity (January 2021)

Hampstead Conservation Area Statement 2001

Assessment

1.0 PROPOSAL

- 1.1 Retrospective planning permission is sought for alterations to the existing (unauthorised) two storey side extension by way of change to roof profile (from a flat roof to a hipped roof at the side) removal of a front and rear dormer window, the formation of an undercroft and installation of sliding doors on the ground floor at the front and a new chimney.
- 1.2 Planning permission was granted (ref 2020/3418/P) for the replacement of the previous two storey side extension (i.e. ground floor garage with conservatory above). A two storey side extension was erected but it was not built in accordance with approved planning permission ref 2020/3418/P. This application seeks to secure planning permission for the retention of the built two storey side extension with the alterations described above.

2.0 ASSESSMENT

2.1 The material considerations in this case are considered to be:

- Design and Conservation
- Amenity of neighbouring residential occupants

3.0 Design and Conservation

- 3.1 Local Plan Policy D1 (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 (Heritage) requires that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.
- 3.2 Policy DH1 of the Hampstead Neighbourhood Plan states that "Development proposals should demonstrate how they respect and enhance the character and local context of the relevant character area(s) by: a. Ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges." Policy DH2 of the Neighbourhood Plan seeks to ensure that proposals seek to protect and/or enhance buildings which make a positive contribution to the Conservation area.
- 3.3 No. 102 Frognaal was made the subject of an Article 4 direction in 1976 to restrict the painting of exterior brickwork in order to maintain the contrast between brick-faced and painted stucco properties. The Hampstead Conservation Area Statement identifies no. 102 as being a positive contributor to the conservation area. As such the Council supports the preservation or enhancement of its appearance and setting.
- 3.4 Planning records indicate the previous garage as dating to c.1960. It was noted within the Conservation Area Statement as a building or feature that detracts from the area's character.
- 3.5 No. 102 adjoins a sequence of listed buildings;- nos. 104-110 Frognaal. They are described as 2-storey semi-detached cottages, c1762, re-faced late 19th century in a Georgian style. They are constructed of brown brick and have c.20th century tiled mansard roofs with dormers and end stacks. Their architectural design, detailing and materials are considered to contribute to their significance.

- 3.6 The existing and proposed extension are and would be highly visible and prominent in public views from the street. Given the site's elevation it has and would continue to be clearly visible for a considerable distance lower down Froggnal and in private views from the backs of properties on Froggnal Gardens. These views lie within Hampstead Conservation Area.
- 3.7 It is considered the appearance of the proposal is of an inappropriate scale, form, architectural style and design on the building, in the Conservation Area and in the context of the neighbouring Listed buildings. The fenestration is excessive, and visually too busy. The band of first floor brickwork above the recess appears monotonous, like a heavy brow, and it creates a drab composition, architecturally. The ground floor recess is contrived and adds nothing to the architectural composition. The footprint of the extension is excessive. The roof with its flat crown is overly heavy and visually uninteresting. The structure has none of the architectural and visual joy of the host building.
- 3.8 As such the mass, bulk, contemporary non-matching form and architectural design of the proposed two storey side extension significantly detracts from the architectural character of the host building, the architectural and historic merits of neighbouring Listed buildings and the character and appearance of the conservation area. The proposal is therefore contrary to policies D1 and D2 of the Camden Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

4.0 Amenity of neighbouring residential occupants

- 4.1 Policy A1 seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.
- 4.2 Given the siting and nature of the proposal compared to the existing arrangement, no significant new impacts on neighbour amenity would result from the proposal. A window would be formed in the side elevation of the extension at first floor level, whereas the 2020 permitted scheme has a solid wall at this level. However, due to the tree screening to the side of 100A Froggnal to the south, and the fact that there were previously first floor conservatory windows at the site in this location, there would be no undue overlooking of any habitable rooms or the gardens at this site. As such the application is acceptable in amenity terms.

5.0 Recommendation:

- 5.1 Refuse Planning Permission

6.0 Reasons for Refusal

- 6.1 The design, scale, and bulk of the proposed two storey side extension significantly detracts from the architectural character of the host building, the architectural and historic merits of neighbouring Listed buildings and the character and appearance of the conservation area. The proposal is therefore contrary to policies D1 and D2 of the Camden Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

7.0 Informative:

- 7.1 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of the unauthorised

works/alterations undertaken to the two-storey side extension to make it comply with the approved scheme, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

7.2 The notice shall allege the following breaches of planning control: The construction of a two storey side extension materially different from approved plans as to be without planning permission.

WHAT ARE YOU REQUIRED TO DO:

1. Totally remove the row of four dormer windows installed on the front roof slope, and reinstate the arts & crafts dormer (as shown on drawing no: 0321320/Sk28), and make the development accord with the planning permission on granted on 10th December 2020 under reference 2020/3418/P

2. Totally remove the sliding doors installed on the front elevation of the side extension and install the woodrite up and over doors (as shown on drawing no. 0321320/Sk28) and make the development accord with application reference 2020/3418/P, granted on 10th December 2020

3. Totally remove the row of four dormer windows installed on the rear roof slope and install the single dormer window in accordance with that shown on drawing no. 032130/Sk30 , and make the development accord with application reference 2020/3418/P, granted on 10th December 2020

4. Totally remove the hipped roof and reinstate the flat roof and reinstate the previous half-hip detailing on the south gable (as shown on drawing no. 0321320/Sk29), and make the development accord with application reference 2020/3418/P, granted on 10th December 2020

5. Reduce the height of the side extension to make it accord with its original height (as shown in drawing no. 0321320/Sk22) under application reference 2020/3418/P, granted on 10th December 2020.

6. Totally remove the 3 x windows located at ground floor level on the side elevation and reinstate that part of the building to its previous condition in terms of its design, profile, materials used.

7. Totally remove the window opening located at first floor level and install a window and stone cill at first floor level as shown on drawing no. 032130/Sk19 in accordance with the planning permission granted on 10th December 2020, reference 2020/3418/P.

8. Reduce the footprint of the side extension and make it accord with the planning permission granted on 10th December 2020, under application reference 2020/3418/P (as shown on drawing nos. 0321320/Sk04 & 0321320/Sk05).

Compliance period: 9 months