Planning application 2024/0030/P – Frognal House, 99 Frognal NW3 6XR

There are several grounds for refusal of this application.

**Summary:**

**1- Harm to a listed asset and no public benefits- Breach of NPPF paragraph 196 and Camden Policy D2 on Heritage**

Paragraph 196 of the NPPF states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.

The heritage consultant commissioned by the applicant also quotes, on page 43 of its report, Camden Policy D2 on Heritage: “Designated heritage assets The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.”

**The proposal calls for clear harm to the listed building but there are no public benefits to this application and this on its own is clear reason why this application should be refused**.

**2-Breach of Policy A1 of the Camden Local Plan**

The amenities of 103 Frognal will be significantly compromised through the loss of direct sunlight and impact upon its outlook. This is demonstrated in the report commissioned to PPS, Town Planning Consultant.

**3-Unsatifactory basement proposal not complying with** **Camden Policy A5 and policies BA1 and BA2 of the Hampstead Neighbourhood Plan.**

The proposed basement consists of a very deep and substantial structure located along a steep downward terrain. The proposed plunge pool structure is more than 7 meter below the ground level in depth and 30 meter long.

This calls for methodological and rigorous ground and underground flow studies and the applicant has failed to do so.

The application clearly omits to provide adequate data and to analyse the redirection and impact of the change of the rainwater both above and below ground level especially in period of heavy and sustained rain.

**4- Other matters e.g. no compliance with** **Camden Policies A3, CC1 and Policy NE4 of the Hampstead Neighbourhood Plan**

There are several other matters that are reasons for rejections.

e.g. over-development of the site and a consequent failure to maximise the biodiversity gain….

as per Camden Policy A3.

Policy CC1 states that the Council will:

b- require all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation….

**Conclusion:** Each one of the above 4 reasons are ground for rejection of this application. Please refuse.

Please see below for more detailed explanations.

**Detailed Comments:**

**1- Harm to a listed asset and no public benefits- Breach of NPPF paragraph 196 and Camden Policy D2 on Heritage**

**This application only benefits the interests of the applicant and not the greater community.**

**Harm to a listed building:**

Paragraph 196 of the NPPF states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.

The heritage consultant commissioned by the applicant also quotes, on page 43 of its report, Camden Policy D2 on Heritage: “Designated heritage assets The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.”

The application is for less than substantial harm to a listed building and calls for the partial demolition of a listed building. This is acknowledged in page 8 of the Application for Planning Permision; listed Building Consent for alterations, extension or demolition of a listed building filed by SM Planning. The proposed works include work to both the interior and exterior of the listed building. It also includes stripping out of internal walls ceiling or floor finishes.

**Significant reduction in the housing supply**:

The Grade II listed building is seen to have approximately 21 habitable rooms whilst the new layout to the listed building is reduced to approximately and effectively only 13 habitable rooms. This is almost a 40 percent reduction which contradicts the applicant’s declared motivation of meeting various targets.

SM Planning wrongly states, the proposal will increase the housing supply. As a matter of fact, it does exactly the opposite and by a very wide margin.

One will also note that outside the listed house, the existing layout provides more than 40 habitable rooms versus 19 habitable rooms within the proposed 4 dwellings.

There is plenty of space on the site to provide substantially more housing space.

**Unsympathetic damage to a listed building:**

The proposed application on the listed is not sympathetic to the early Georgian character of Frognal House, which is described in the Heritage Appraisal as largely continuing to exist through the tenancy of General Charles de Gaulle in the 1940s and into the 1960's:

The application violates the Property description 1966:

`An early Georgian residence of Quality and Distinction’ with a magnificent Reception Hall, Three Reception Rooms, Library, Cloakroom, Excellent Modern Kitchen, Maid’s sitting room and Cloakroom, Five Bedrooms, Three Bathrooms, Two Staff Bedrooms and Bathroom. By then it had central heating and a double garage but retained a wealth of panelling. It was said to have been `Sympathetically Modernised and Elegantly Appointed`.

**2-Breach of Policy A1 of the Camden Local Plan**

The amenities of 103 Frognal will be significantly compromised through the loss of direct sunlight and impact upon its outlook. This is demonstrated in the report commissioned by the residents of 103 Frognal to PPS, Town Planning Consultant. This also does not comply with policy DH1 of the Hampstead Neighbourhood Plan.

Furthermore the unwelcome light pollutionis at a sensitive site, adjacent to Branch Hill, Branch Hill Pond and situated in a local ecological network, where soprano and pipistrelle bats and barn owls forage and commute.

**3-Unsatifactory basement proposal – Not complying with Camden’s policy A5 and policies BA1 and BA2 of the HNP.**

This application does not comply with Camden Policy A5 and policies BA1 and BA2 on basement of the Hampstead Neighbourhood Plan.

The planning application is for a very large swimming pool structure situated along a steep slope terrain. The proposed pool structure is around 7 meter deep, 30 meter long and 12 meters to 20 meter wide.

**It is also stated in the BIA that:**

**“- the basement will be extended below the depth of the water table.”**

**- “The proposed development may result in impact to the neighbouring buildings”.**

**- “The differential depth of the foundation of the existing development relative to neighbouring properties will be significantly increased “**

**The attempt to measure rainwater under contrasting weather conditions is highly deficient:**

The BIA states in page 10: “monitoring visits were undertaken on 19th and 29th June, and 6th and 26th July 2023.” The web site NW3 weather.co.uk: <http://nw3weather.co.uk/wxdataday.php?vartype=rain&year=2023&summary_type=1>

shows that essentially there were no rain falls on these days. There was rainfall on the 29th June but it stopped around 7am and there was no rainfall on the 26th July until after 7 pm.

The boreholes visits were undertaken during a period of typically seasonally fairly dry weather between 19th June and 26th July.

The A2 Site Investigation reports actually points to that obvious deficiency by stating in its paragraph 5 entitled “limitations of report “, page 14, the following:

“The data reported relates to the specific locations where each exploratory hole was formed and may not represent the ground and groundwater conditions of the site as a whole. Furthermore, it should be considered that groundwater levels may vary throughout the year due to seasonal conditions and other influences such as flooding…”

Considering the very large and deep size of the proposed basement on a slopy terrain, this clearly points to one of the obvious and very material shortfalls of the investigation and the report.

Although the BIA mentions:" 5.1.8. The proposed basement will also be at an increased risk of flooding and damp in the long term due to permanent submergence beneath the groundwater table.”, the applicant brushes off these concerns by statement such as:

 "5.1.11. The hydrogeological regime of the site and surrounding areas is not anticipated to comprise significant groundwater flow, and any damming effects will likely result in minor increases in groundwater head. Any groundwater will likely flow around the basement box obstruction. Any effects of this obstruction on the groundwater table are mostly likely to be minor with other hydrogeological factors such as seasonality considered to be a greater influence on the existing variation of the groundwater table."

This is wholly unsatisfactory and not backed by proper and thorough investigations.

The BIA is also misleading when it does not mention the slopy terrain along which the excavations are proposed. The terrain is located along a steep downward sloping terrain. This is actually mentioned in page 24, paragraph 7.5.8 of the Planning Statement of SM Planning which states “ In this instance the site is naturally constrained by the gradient of the land”.

There are residential buildings and road nearby.

There is a block of apartments at 1 to 24 The Heights that are located lower down and close to the proposed deep basement.

Further down the property and the swimming pool is a listed building at 110 Frognal which has experienced serious flooding issues in period of heavy rain. Frognal road located alongside the bottom of the property is also prone to flooding as shown in the flood risk map provided by the UK government: <https://check-long-term-flood-risk.service.gov.uk/map?easting=526118.81&northing=185807.19&map=SurfaceWater>

This totally contradicts the claim in page 11, paragraph 4.3 of the A2 Site Investigation in the BIA that “the site is in an area with very low risk of flooding to surface water.”

Other matters that need to but have not been addressed with the application:

Issues raised by Thames Water that need to be addressed at the time of the application:

The proposed development is located withing 15 metres of a strategic sewer.

Water Comments: “There are water mains crossing or close to your development. Thames Water does not permit the building over or construction within 3m of water mains.

There are water mains crossing or close to your development. There are public sewers crossing or close to your development.

Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.”

There should have been proper investigation at the time of the application on these issues to the largest possible extent as well. This should not be left to planning conditions. It should instead be duly investigated and addressed at the time of the application.

The applicant has also failed to do so.

**Conclusion:**

 Under the current circumstances, the BIA should have been much stricter and thorough in its investigation and **there should have been, for example, automatic log water measurements recorder left activated in the boreholes over a sustained period of contrasting rain cycles to demonstrate local groundwater and water table levels and the local extent of groundwater surges during and immediately following storms. This the BIA has failed to do**.

**The application also clearly omits to provide adequate data and to analyse the redirection and impact of the change of the rainwater both above and below ground level especially in period of heavy and sustained rain.**

**4- Other reasons for objections**

Camden Policies A3 and CC1 and Policy NE4 on supporting biodiversity of the Hampstead Neighbourhood Plan are not complied with.

**Failure to increase biodiversity:**

**This application does not comply either with The Council’s policy A3 which aims to maximise opportunities for biodiversity in and around developments.**

A preliminary ecological appraisal should be required before the application progresses further.

Biodiversity net gain of over 41%, which is targeted further down Frognal (application 2023/5366/P) and should be taken as an absolute minimum for a large site in this location, close to Hampstead Heath.

Copious evidence of the importance of the area to wildlife can be found in the Evidence Base to the Redington Frognal Neighbourhood Plan (<https://www.redfrogforum.org/evidence-base/>).

**Question**:

How does a private 7 meter deep and 30-meter-long swimming pool complex, in a prime conservation area, comply with Climate Change mitigations or Camden Policy CC1?

Camden Policy CC1 states:

1. promote zero carbon development and require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy;

and how does it comply with one of the primary aims of the NPPF which is to contribute to and enhance the natural and local environment and requires decision makers to not only conserve but enhance biodiversity. This is echoed in the development plan under policies G6 (London Plan), A3 (Local Plan) and the CPG on biodiversity.?

**Other weaknesses in the Application for Planning Permission for the Listed Building.**

One will note that for example in page 12 of the application for the listed building there are lots of unknowns that should also have been investigated e.g.it is not known how the foul sewage will be disposed of or whether or not to connect to the existing drainage system.

There are no Green sustainable Drainage Systems to be in incorporated into the drainage design either.

**Other issues:**

The balance between the proposed four dwellings is unsatisfactory. At 38 square metres, two of them barely meet the minimum national standard. They are roughly the size of the proposed guest suite in the main dwelling. The amenity of these future dwellings - which merely have lightwells in contrast to the expansive nature of the main dwelling and its garden has not been properly considered either.

**Conclusion:**

There are multiples reasons to refuse this application. Each one of the issues outlined in the above 4 chapters is cause for rejection. Please refuse this application in its entirety.