

**DR OTTO CHAN**

**102 FROGNAL LONDON CAMDEN NW3 6XU**

**APPELLANT'S STATEMENT OF CASE**  
**Erection of 2-storey side extension**

**Council ref: 2023/4996/P**

**February 2024**

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michael burroughs associates

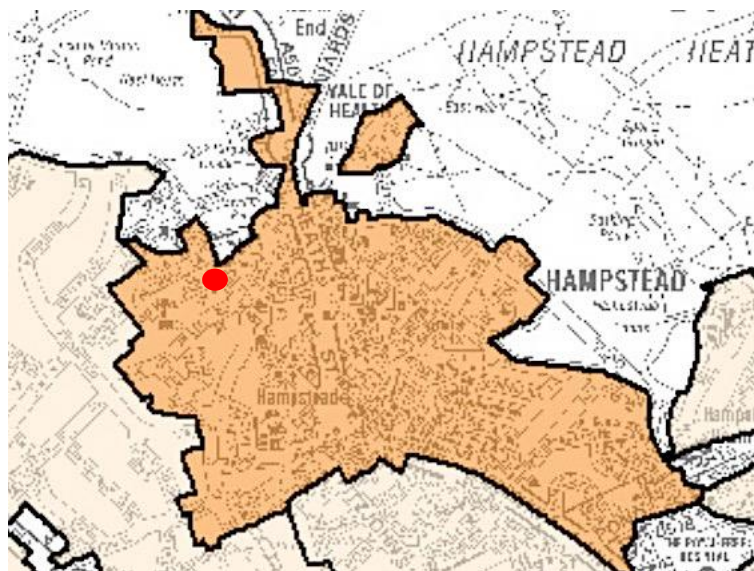
## INTRODUCTION

1. This letter is the appellant's statement in respect of an appeal against the Council's failure to determine a full householder application to extend the existing 2-storey extension at the above site in the statutory period. The application was lodged on 23 November 2023 and on 24 January 2024 the case officer emailed to say that registration had been delayed and would be backdated to the date of submission (**Annexe 1**). No extension of time has been agreed.
2. The application drawings are:

Title	Existing	Proposed
Location	EX001	
Site	EX101	
GF	EX100	PL100
1F	EX101	PL101
2F	EX102	PL102
Street Elevation	EX300	PL300
Side Elevation	EX301	PL301
Rear Elevation	EX302	PL302

## LOCATION

3. The appeal site is about 300m west of Hampstead town centre in the large Hampstead Conservation Area. The Conservation Area was designated in 1968 and has a very varied character. The Conservation Area Assessment and Management Strategy (CAS) was published in 2001.



4. Frognal is one of the oldest roads in Hampstead with a great variety of building types and ages, a very irregular building pattern and many trees, as the plan and aerial photo below shows. Its width and alignment vary.

5. The Conservation Area Appraisal describes its significance: *The upper end of Frognal, from Frognal Lane to Frognal Rise, was a distinct hamlet in the 17th and 18th century, and the earliest settlement of the area was probably found near the junction of Frognal and Frognal Lane. A number of 18th century houses remain.*

*Frognal was extended southwards in the 1880s and today much of Frognal and its offshoots (Frognal Lane, Frognal Gardens, Frognal Way and Frognal Rise) are characterised by late 19th century and 20th century houses set in spacious large and well-treed gardens. Most are red brick, the earlier ones generally arts-and-crafts in style with picturesque red tiled roofs and chimneys. Many have decorative moulded brickwork or areas of tile hanging.*

6. It is curved, narrow with narrow pavements close to the appeal site, and falls to the south. This restricts views of the site. The road is not identified in the Neighbourhood Plan as containing any views or buildings of particular local significance, There are listed and locally listed buildings locally that are identified below.

#### **THE APPLICATION PROPERTY**

7. This was originally a semi-detached pair of Arts and Crafts cottages, amalgamated many years ago. It was built in 1906 of soft orange brick, white render, and tiles.



8. It is not listed or locally listed but is identified in the CAS as a positive contributor to the Conservation Area.
9. The plan and aerial photo below show its large side garden. This is concealed from the road by a 2m wall. Its rear elevation is invisible from the road and not overlooked.



10. The photo below shows the now-demolished original post-war side extension. The garage (permitted in 1960 **P/26856/NW/28913/16840**) was built of brown mottled bricks, noticeably different in colour and texture to the soft orange brick of the house. The conservatory above it (permitted in 1970 **CTP/E6/12/B/8255**) was of timber and glass arched windows with a semi-circular gable. It did not relate well to the ground floor and was unlike anything else in the Conservation Area.



11. The 2001 CAS describes them as: *a side extension with a large cross-over to the garage...detracts from the fine detail of the house*. The side extension is one of the few buildings that the CAS identifies as *detracting from the character of the area and would benefit from enhancement (Annexe 2)*.
12. Its appearance was unaltered up to the time last year when it was demolished and replaced by the present extension, shown below. The bricks and windows match the house and their colour and texture and design had been approved following a previous planning consent **2020/3418** for a smaller extension permitted in July 2020. The consent for the bricks is **2022/3053** (August 2022) and for the windows **2022/1572** (July 2022).



### RELEVANT HISTORY

13. The applicant purchased the property in 2022. He replaced the original extension because he urgently needed accommodation for his aged parents and the Council had taken six months to respond to his request made in February 2022 for pre-app advice on this.
14. Application **22/5135** to retain the as-built extension with cosmetic changes was submitted in November 2022 after the belated pre-app in September. The Council refused it in May 2023, it was appealed (**3324781**); and the appeal was allowed on 14 September 2023 (**Annexe 3**).
15. The appeal consent **3324781** permitted the extension shown below.



16. **Para 4** of the appeal decision says the consent is part retrospective. It has been implemented by its substantial completion and is now occupied.
17. The Council had served Enforcement Notice **22/0710** in July 2023 after the extension had been completed, requiring it to be replaced by the smaller earlier consented extension. It was appealed (appeal **3328344**) in August 2022, The appeal **3324781** decision triggered s180 of the 1990 Act that provides where, after service of an EN, planning permission is granted for any development carried



out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

18. The EN was then withdrawn by the Council in September 2022 following the decision on appeal **3324781** and so the EN appeal lapsed. There is no new enforcement action.

### THE PROPOSAL

19. Planning consent **05/1284** for *the demolition of existing garage and conservatory and erection of new 2-storey dwelling house with garage* was granted by the Council in September 2005. It was renewed by consent **10/2017** in August 2010 (**Annexe 4**). The permitted plans and elevations are shown below.



20. When the new extension was built, it was not certain whether these consents had been implemented. The case officer recently asked for investigation work to be carried out in respect of the trees along the southern boundary in connection with this application. Root investigation unearthed foundations in roughly the same place as the side wall of the permitted extension.

21. The owners at that time have long gone and we understand that the Council has no record of being informed. There is obviously a possibility that the consents were implemented, but insufficient evidence to support this formally.
22. The 2015 and 2010 consents were permitted well after the Conservation Area was designated. Obviously, the Council considered then that development of the form proposed did not harm the character or appearance of the Conservation Area.
23. The appellant designed the existing extension with these consents in mind. They permitted a garage with a mansard roof with dormer windows above and the same front and rear building lines as the as-built one, a crown roof and recessed garage doors. The as-built extension has all these features.
24. The appeal proposal is redlined below. It seeks to extend the existing extension (plus the permitted garage doors and chimney) and construct the remainder of the extension permitted by consents **2005/1284** and **10/2017** behind the existing 2m garden wall.



## Heritage Impact

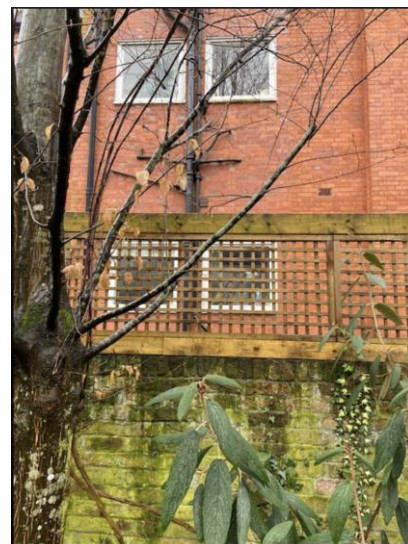
25. Other than the extra mansard windows (the principle and rhythm of which has already been permitted), the now permitted garage doors and the tile hanging on the front of the appeal extension to better tie the gable into the line of the roof, the proposal has the same appearance as the previously permitted scheme. Nothing has altered locally since the scheme was permitted in 2005 and 2010. Previous consents and its impact on the CA will be identical to the one the Council found acceptable then.
26. Similar conservation issues apply to this proposal as the appeal scheme. **Para 7** of the appeal decision identifies the determining consideration: *The main issue is therefore the impact of the proposed development upon the character and appearance of the host property and the HCA and whether it would preserve listed buildings, including their settings or any features of special architectural or historic interest they possess.*
27. **Para 9** of the decision sets the relevant conservation context. *The removal of the former garage and the large half-round conservatory that was perched above it is to be welcomed given the content of the HCAS and the photographs I have seen. For a long time, permission was in place for a new house and garaging which would have substantially infilled the side garden of no. 102 and utilised crown roofs, recessed garage doors and flat-roofed dormer windows. In terms of overall scale and bulk, the subject extension is and would be nowhere near as wide, deep or high as the main house. Appearing as a sufficiently subordinate adjunct to the main house, it would be similar to the extension shown in the extant permission in terms of height and width. Lining up with the main rear elevation and being set back from the front building line, its extra depth would not be a problem in itself. Its footprint would not be excessive. A mansard-style roof with small dormers is not alien to the area; the listing description for 104/106 Froggnal points to such a roof form on those adjacent cottages. A crown roof was also a feature of the extant scheme.*
28. The present proposal is nowhere near 'as wide, deep or high as the main house'; it would 'line up with main house and be set back from the main building line and so its depth would not be a problem in itself'; its 'mansard-style roof with small dormers is not alien in the area'.
29. At **para 10** of the decision, the Inspector noted: *There is a band of hornbeam trees and other vegetation close to the common boundary between nos 102 and 100 on the southern side of the appeal property. It is this vegetation, in combination with high front boundary walls and the siting of the subject extension back from the front elevation, that would substantially limit views of the proposed development on the upward approach from the south along Froggnal and from the junction of Froggnal Gardens with Froggnal over the garden of no. 100. Viewing from the south, it is the white render of the overhanging oriel windows, which are sited very close to the roadside, that draw the eye. The glimpsed views of the warm red brickwork in the flank wall of the extension are not objectionable. The proposed development would not be visible on the approach from the north. I did not get the impression that the proposed side wing would be particularly noticeable in any private views from the backs of properties on Froggnal Gardens.*



30. The CGIs below show the permitted and proposed extension from the south. The proposal is set back behind the garden wall and trees on the same line as the permitted extension and would be similarly unobtrusive and subservient to the host property. Unlike the permitted side elevation, there are no side windows in the flank elevation that might overlook No100 next door.



31. Note the evergreen screening from the road in winter. The flank windows in No100 light non-habitable rooms and obscure glazed.



32. As far as impact of the proposal on the local listed buildings was concerned, Inspector concluded at **para 13** that: *The closest listed buildings are the pair of cottages at 104 and 106 Frognal but these are set well back from the front elevation of no. 102 and lie to the north. The subject extension does not appear in the main views of those dwellings and leaves the setting of those listed buildings unharmed. I saw no reason why the extension would interfere with the setting of any other listed building, including those on the opposite side of Frognal.*

33. This appeal proposal is further from the listed buildings and so (following the previous Inspector's conclusions) their settings will not be harmed by the proposal.

#### **Trees**

34. The report by TriTech at **Annexe 5** confirms that the proposal will not have an adverse effect on the boundary trees.

#### **Policy**

35. The Inspector's conclusion on the permitted appeal scheme at **para 16** of the decision applies equally to this proposal: *I find on the main issue that the proposed development would preserve the character and appearance of the host property and the HCA and leave the nearby listed buildings, including their settings and any features of special architectural or historic interest they possess, unharmed. There would be no conflict with s72 and s66 of the Act, Policies D1 and D2 of the Camden Local Plan 2017 or Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018-2033. When read together, these policies seek to ensure high quality design in development and to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. There would be respect for the National Planning Policy Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.*
36. For all these reasons, we respectfully request the Inspector to allow this appeal.

## ANNEXE 1

### 2023/4996/P - Frogmal Cottage, 102 Frogmal



• Jaspreet Chana <Jaspreet.Chana@camden.gov.uk>

Tuesday, 23 January 2024 at 21:41

To: • Michael Burroughs

→ You forwarded this message on 24/01/2024, 00:04.

← You replied to this message on 24/01/2024, 22:24.

Show Reply

! This message is high priority.

ⓘ Completed on Wednesday, 24 January 2024.

Dear Mr Burroughs,

My apologies for not coming back to you sooner. I can confirm I will also be the planning officer for the above application. I can confirm I completed validation for the application. The appropriate consultees have been consulted and a site notice will be put up outside the site for a 3 week neighbour consultation. Once this time period has lapsed a decision can be made on the application.

In addition to the above upon validating the application, I came to notice that a design and access statement/heritage statement has not been submitted with the application. Also there are trees on site which could directly get impacted by the proposed development, please could you provide a tree constraint plan and tree report to assess whether the development would encroach the root protection area as well as what foundation type would be used. I will also be consulting a tree officer on this once I receive these further details.

This application has been backdated to when it was received 23/11, but this means that the application would have expired its 8 weeks on 18/01/2024. Therefore as the application has now been picked up and requires a consultation period we would need to agree to an extension of time to assess and determine the application, please can we agree to an extension of time until Friday 23<sup>rd</sup> February, this time could be extended depending on the status of the application. If we can determine the case earlier we will endeavour to do so.

Kind regards,

Jaspreet Chana BA (Hons) DipTP MA

Planning Officer

Pronouns: She/Her/Hers

Regeneration and Planning

Supporting Communities

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5 Pancras Square

London N1C 4AG

## Annexe 2



# Conservation *area statement* ► **Hampstead**

# 2



with detached and semi-detached two storey houses, front gardens and mature planting. The 20th century houses are predominantly neo-Georgian.



Descending on the west side, set back from the road, is Nos.105-111, a block formed by a house and stable block by Henry Flitcroft (1745 - listed grade II\*). No.99 is a detached 1740 house (listed) that is now a convent. Frogna! Mansions and The Heights have a totally different scale from their neighbours forming a five storey mansion block that sits above street level and impacts strongly on the streetscape. Frogna! Mansions is red brick with stone dressings and The Heights is rendered. To its south is the two storey Bay Tree Cottage (listed), an early 19th century gardeners cottage with interesting features such as an octagonal bay and a slate hung oriel window. A ground floor extension on the front of the building detracts from its appearance. The west side continues to Frogna! Lane with a number of two storey detached houses in various styles. Of interest is Nos.79,81,83, a detached late 18th century house with an octagonal belvedere in its roof. At the corner with Redington Road there are two detached houses. No.69 was part of the development of Redington Road that began in 1875, although the houses were built a bit later. It was probably part of the first plot of land to be sold for development. No.71 has a corner turret and red tiled roof. Nos.49&51 are a semi-detached pair dated 1886 by Sir Reginald Blomfield (listed). Nos.53&55 is a red-brick semi-detached pair. No.53 has a large dormer that detracts from the appearance of the building.



The east side at the northern end is dominated by the rear of Gainsborough House (formerly Mount Vernon) and the late 20th century housing development adjacent to it. It was designed in 1880 in the style of a French Chateau for the North London Hospital for Consumption. It was converted into flats in the 1990s, with some bulky additional buildings in the grounds. Between No.112 and 110 is a footpath leading up to Holly Mount and Mount Vernon. No.112 provides the entrance to the alley with its side elevation hard on the paving. It is identified on the 1870 OS map and is a two storey cottage with a single small dormer to the front. No.110 is a 17th century cottage (listed) adjacent to Nos.104-108, all 18th century houses (listed). They are set back from the road and No.110 has a brick wall boundary while Nos.104-108 has a low brick wall and railing. No.102 is a c.1880's detached house with tile-hung gable and oriel windows at first floor level. Lying close to the pavement it has a railing frontage and a side extension with a large cross-over to the garage that detracts from the **fine detail** of the house. Nos.94 & 94A are c.1700 (listed grade II\*). Nos.88&88a are listed semi-detached cottages (early 19th century) obscured by a high boundary wall. South of Church Row are two 1920s neo Georgian houses. Standing out on the streetscape is No.66, by Connell, Ward & Lucas (1937/8), a modern classic sited on the corner with Frogna! Way allowing views of the side and rear elevations. Influenced by Le Corbusier it has a continuous window on the front elevation at first and second floor level and has roughcast on reinforced concrete elevations (being renovated by Avanti Architects 2002). There are freestanding reinforced concrete pilotis at ground floor level (listed grade II\*). From Frogna! Way to the end of the sub-area are some neo Georgian detached houses.



North of Froggnal Way on the west side are a line of mature lime trees, on the east side there are large trees in the front gardens of Nos.68 & 70. The front boundaries on Froggnal vary between lower brick walls with hedges, higher brick walls and walls with railings above.

**Froggnal Gardens** An L-shaped road that links Froggnal to Church Row, gently sloping south and west. The east side was built first in the 1880/90s with three pairs of semi-detached properties and two detached. They are substantial red brick houses with stone dressings and gables in the roof of various designs. There are some insensitive roof extensions at Nos.12&14. The west side of the road has a very different character with a group of two storey detached houses set well back from the road. A distinguishing feature is their pantiled roofs. The western arm of the Gardens has two 1960s houses (Nos.18a &18b). These are brown brick three storey semi-detached houses that are set back from the road and are neutral in their impact.



**Froggnal Lane** The lane rises from Finchley Road to Froggnal, narrowing as it reaches Froggnal. The western boundary of the Conservation Area lies at the top of Froggnal Lane. The high brick boundary walls and narrow width of the road create a pinch point entry into the Conservation Area. On the north side Nos.19, 21& 23 are within the old demesne farm site, with buildings dating from 1793 (listed). On the south there is a narrow lane down which is No.40, a detached house c.1813 and No.42 c.1881 (both listed) by Basil Champneys for himself. On the east side of the lane is a substantial detached house in redbrick, with dominant red-tiled roof and a rendered first floor.



**Froggnal Way** is a wide un-adopted road, laid out in the 1920s; the roadway has a gravel-type appearance and the pavement treatment varies from one house to the next. Some frontages have no pavement at all. At the eastern end of Froggnal Way the alleyway up to St John's Church offers fine views of the rear elevations of Church Row. Froggnal Way has a number of two-storey detached houses, a number with pantiled roofs. No.9 (Sun House) by Maxwell Fry is a striking example of 1930s white-painted modernism (listed grade II\*). No.5 is by Adrian Gilbert Scott, for himself, in a neo-Georgian style with low hipped pantiled roof. No. 20 is a faintly Spanish-colonial style house built for Gracie Fields that adds to the architectural variety of this relaxed road. No.4 is a broad fronted two storey house, also pantiled.



### Buildings or features which detract from the character of the area and would **benefit** from enhancement

Froggnal Gardens: extensions and alterations at 12, 14.

Froggnal: Bay Tree Cottage front ground floor extension, forecourt of Froggnal Mansions and The Heights.

53 dormer

102 garage

### Neutral Buildings

Froggnal: 58, 59, 60, 61, 62, 65, 96, 98, 113, Froggnal Mansions and The Heights,

Froggnal Gardens: 18a, 18b, 20, 1a, 3, 5, 5a, 7, 9

Froggnal Rise: Pavilion Court, Highgrove Point

Froggnal Way: 2, 14, 22





# Appeal Decision

Site visit made on 30 August 2023

**by Andrew Dale BA (Hons) MA MRTPI** an Inspector appointed by the Secretary of State  
Decision date: 14 September 2023

**Appeal Ref. APP/X5210/D/23/3324781 102 Frognal, London NW3 6XU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr Otto Chan against the decision of the Council of the London Borough of Camden.
- The application ref. 2022/5138/P, dated 22 November 2022, was refused by notice dated 4 May 2023.
- The development proposed is described on the application form as "*Alterations to existing side extension.*"

## Decision

1. The appeal is allowed and planning permission is granted for *Construction of 2- storey side extension with alterations to be made to it* at 102 Frognal, London NW3 6XU in accordance with the terms of the application ref. 2022/5138/P, dated 22 November 2022, subject to the following conditions:

1) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: EX-001; EX-010; D12; EX-100 B; EX-101 A; EX-102 A; EX-300 A; EX-301 A; EX-302 A; PL-100 B; PL-101 A; PL-102 A; PL-300 A; PL-301 A; PL-302 A.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless otherwise specified in the application or condition below.

3) Before the sliding, folding garage doors are installed, detailed drawings, illustrating the joinery details for the doors and inset windows, materials of construction and coloured finishes, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall be carried out in accordance with the detailed drawings so approved.

## Preliminary matters

2. The appeal site falls within the Hampstead Conservation Area (HCA). There are various listed buildings along Frognal. The Council's Delegated

Report (DR) draws attention to a sequence of listed buildings at 104-110 Frognal. There are several others in the vicinity.

3. There have been many planning permissions at no. 102 since 1960, almost all of them relating to proposals for side additions, some of which would have seen

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<https://www.gov.uk/planning-inspectorate>

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the erection of a new 2-storey dwelling with garaging. There is also an extant planning permission granted under ref. 2020/3418/P in December 2020. This permitted alterations and extensions including the 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.

4. The 2-storey side extension that has been built is unauthorised. It does not follow the plans approved under ref. 2020/3418/P. The application the subject of this appeal seeks permission, in part retrospectively, for the extension as built, alongside a series of modifications that would be made to it. The description of works I have adopted in the decision above more accurately reflects the overall proposal. I have avoided the lengthy descriptions found on the decision notice and the appeal form. They impart a degree of confusion as a reader may think that: the existing 2-storey side extension is authorised; front and rear dormer windows are to be added when the opposite is intended; an undercroft is proposed when one already exists; and the flank wall would remain blank when the proposed plans show 3 ground floor windows and one first floor window.

### **Main issue**

5. The sole reason for refusal said that the design, scale and bulk of the proposed 2-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 HCA.

6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (s72 of the Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66 (s66 of the Act) requires that special regard shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

7. The main issue is therefore the impact of the proposed development upon the character and appearance of the host property and the HCA and whether it would preserve listed buildings, including their settings or any features of special architectural or historic interest they possess.

## Reasons

8. The HCA covers a sizeable area. It encompasses Frognal, a leafy residential road following an appreciable gradient as it meanders upwards from south to north. The HCA Statement (HCAS) says that the properties on Frognal are diverse in scale and character, ranging from modest 18<sup>th</sup> century houses to the 20<sup>th</sup> century. No. 102 is identified in the HCAS as an unlisted house, dating from towards the end of the 19<sup>th</sup> century, which makes a positive contribution to the HCA, although reference is made to "... *a side extension with a large cross-over to the garage that detracts from the fine detail of the house.*" The appellant says the house was originally built in 1906. The most notable details are the front tile-hung, paired gables at second storey level, the 2 front oriel windows on the first floor, the array of fenestration on the front and rear elevations and the attractive chimney stacks.

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9. The removal of the former garage and the large half-round conservatory that was perched above it is to be welcomed given the content of the HCAS and the photographs I have seen. For a long time, permission was in place for a new house and garaging which would have substantially infilled the side garden of no. 102 and utilised crown roofs, recessed garage doors and flat-roofed dormer windows. In terms of overall scale and bulk, the subject extension is and would be nowhere near as wide, deep or high as the main house. Appearing as a sufficiently subordinate adjunct to the main house, it would be similar to the extension shown in the extant permission in terms of height and width. Lining up with the main rear elevation and being set back from the front building line, its extra depth would not be a problem in itself. Its footprint would not be excessive. A mansard-style roof with small dormers is not alien to the area; the listing description for 104/106 Frognal points to such a roof form on those adjacent cottages. A crown roof was also a feature of the extant scheme.

10. There is a band of hornbeam trees and other vegetation close to the common boundary between nos 102 and 100 on the southern side of the appeal property. It is this vegetation, in combination with high front boundary walls and the siting of the subject extension back from the front elevation, that would substantially limit views of the proposed development on the upward approach from the south along Frognal and from the junction of Frognal Gardens with Frognal over the garden of no. 100. Viewing from the south, it is the white render of the overhanging oriel windows, which are sited very close to the roadside, that draw the eye. The glimpsed views of the warm red brickwork in the flank wall of the

extension are not objectionable. The proposed development would not be visible on the approach from the north. I did not get the impression that the proposed side wing would be particularly noticeable in any private views from the backs of properties on Frogna Gardens.

11. There would views at close quarters from the opposite side of the street next to the grounds of 79-83 Frogna. Here, some of the detailed design flaws would be apparent. Still, I am satisfied that the proposed modifications would address these flaws. So: the proposed chimney and 4 windows would add interest and visual delight to the unrelieved flank wall; adding the chimney and a half-hip to the side of the roof would remove the parapet and lessen any outward visual expression of the somewhat larger crown roof; removing a dormer from the front and rear roof slopes would make the fenestration less busy, with the 3 retained small dormers on each roof slope reflecting the arrangement of windows found on the main elevations of the existing house; and sliding, folding dummy garage doors with a set of windows, similar in appearance to those approved, would disguise the contrived undercroft below the front of the first floor and leave a forecourt 5.20 m wide by 3.25 m deep which could accommodate a car parked almost parallel to the street. The doors would be a large element in the front elevation and further details of their design, materials and coloured finish should be sought through a planning condition.

12. The proposed scheme would, at the very least, preserve the character and appearance of the HCA when directly compared to the garage and conservatory that have been removed. That is the most relevant comparison, rather than with the application approved under ref. 2020/3418/P. That was for a different scheme that would also have preserved the character and appearance of the HCA. That said, I find some elements of the approved scheme to be preferable,

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particularly the brick flat arch with keystone over the garage doors. Even so, the band of brickwork above the existing undercroft is not particularly deep and the bricks have been very carefully selected to match the existing building, unlike the finish to the former garage on the site. Equally, I agree with the appellant that the approved front dormer, in attempting to ape the Arts and Crafts exuberance of the parent building, would have been too dominant as it had the size and scale to challenge the feature oriel windows. The appellant's approach for "...a visually 'quiet' subservient extension that did not compete with the appearance of the main house" is architecturally defensible.

13. The closest listed buildings are the pair of cottages at 104 and 106 Frogna but these are set well back from the front elevation of no. 102 and lie to the north. The subject extension does not appear in the main views of those dwellings and leaves the setting of those listed buildings unharmed. I saw no reason why the

extension would interfere with the setting of any other listed building, including those on the opposite side of Frognaal.

14. The Council has not pointed directly to any conflict with the Camden Planning Guidance *Design* 2021 or the Camden Planning Guidance *Amenity* 2021 in the DR or the decision notice.

15. Drawing these threads together, I consider that the proposed development would exhibit a high, site-specific and sensitive design quality, be sufficiently complementary and sympathetic to the original parent building in terms of design, scale and bulk, be respectful of the local context and surroundings, and conserve the significance, character and appearance of the HCA and the setting of nearby listed buildings.

16. I find on the main issue that the proposed development would preserve the character and appearance of the host property and the HCA and leave the nearby listed buildings, including their settings and any features of special architectural or historic interest they possess, unharmed. There would be no conflict with s72 and s66 of the Act, Policies D1 and D2 of the Camden Local Plan 2017 or Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018-2033. When read together, these policies seek to ensure high quality design in development and to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. There would be respect for the National Planning Policy Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

## **Conditions**

17. A condition requiring that the development is carried out in accordance with the approved drawings is necessary as this provides certainty. I have also imposed a condition requiring the use of matching materials, in the interests of safeguarding the character and appearance of the building and the HCA. I have added a condition regarding the treatment of the dummy garage doors in accordance with my observations in paragraph 11 above.

18. The Council's questionnaire invites me to add conditions "*As per section 7.2 of Delegated Report.*" However, that section sets out the requirements of a potential enforcement notice to make the development accord with the scheme

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Appeal Decision APP/X5210/D/23/3324781

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approved under ref. 2020/3418/P. It would not be appropriate to proceed on those lines given my findings in this appeal. No such conditions are imposed.

19. Even so, the 2-storey side extension that has been built remains unauthorised in its current state. The parties ought to discuss the next steps forward, in particular with a view to reaching an agreement upon a timescale for the implementation of all the proposed and crucial modifications put forward in the subject application. Should it be necessary, it would remain open to the Council to serve an enforcement notice seeking compliance with the plans approved under ref. 2020/3418/P or under ref. 2022/5138/P (as a result of this appeal decision). There would be a further right of appeal against an enforcement notice, should one be served.

### **Conclusion**

20. For the reasons given above and having regard to all other matters raised and the notable absence of objections from local residents and local organisations, I conclude that this appeal should be allowed.

**Andrew Dale**

INSPECTOR



SA

RECEIVED 12 SEP 2005



Development Control  
Planning Services  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 020 7278 4444  
Fax 020 7974 1975  
Textlink 020 7974 6866

env.devcon@camden.gov.uk  
www.camden.gov.uk/planning

Ifor Roberts  
MUA Property Services Ltd  
11 Moorfields Highwalk  
london  
EC2Y 9DP

Application Ref: **2005/1284/P**  
Please ask for: **Elaine McEntee**  
Telephone: 020 7974 2248

09 September 2005

Dear Sir/Madam

### DECISION

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

### Full Planning Permission Granted

Address:  
**Plot adjoining 102 Frognal**  
**London**  
**NW3 6XU**

Proposal:  
Demolition of existing garage and conservatory and erection of new 2-storey dwellinghouse with garage.  
Drawing Nos: PHOTO SHEETS X8 ; SITE PLAN ; 4172/1 ; 2 ; 3 ; 4 ; 5 ; 6 ; PLANS D1 ; D2 ; D3 ; D4; PLANNING APPROVAL ; SUPPLEMENTARY ITEAMS;

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 five 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).



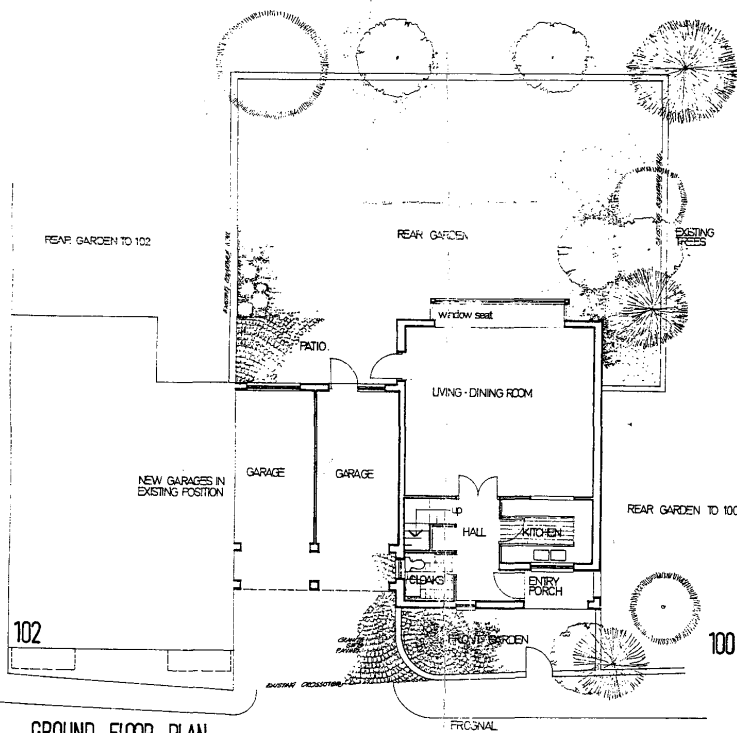
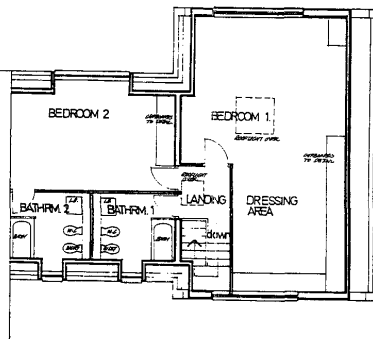
INVESTOR IN PEOPLE

Page 1 of 4

Director  
Peter Bishop

102

FIRST FLOOR PLAN

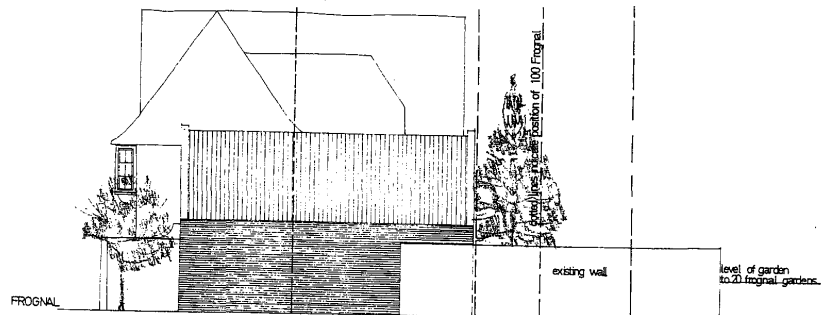


GROUND FLOOR PLAN

CTP/66/12/3/543 (R) 2

PROPOSED HOUSE ON PLOT BETWEEN  
100 & 102 FROGNAL HAMPSTEAD LONDON N.W.3.  
CLIENT ANDREW HAMILTON ESQ.  
SKETCH PLANS  
FLOOR PLANS  
SCALE: 1" = 8' 0"  
DRAWING NO. D1.

COOZDESIGN 48 BELSIZE PARK GARDENS LONDON N.W.3. 01-722 7083



**SOUTH ELEVATION**



**EAST ELEVATION**

SAMPLES OF FACING MATERIALS  
TO BE SUBMITTED TO LOCAL  
PLANNING AUTHORITY FOR APPROVAL

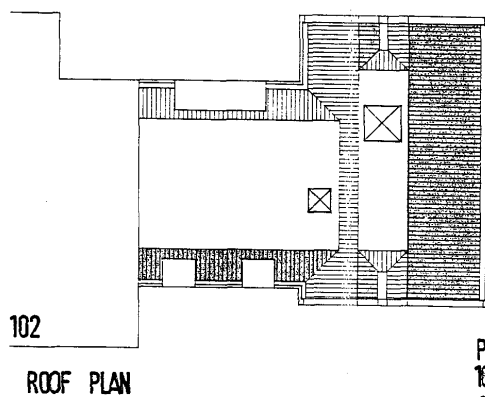
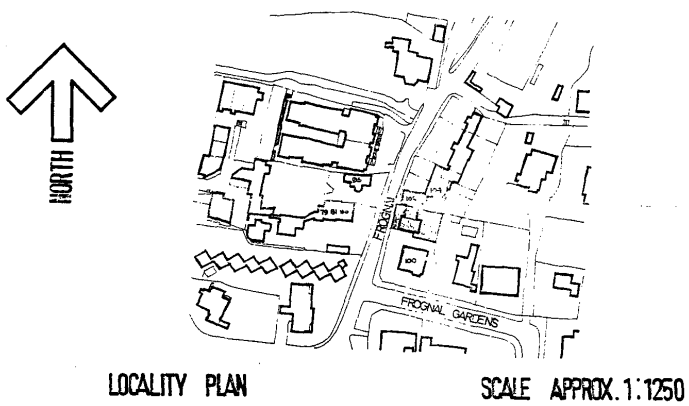


**WEST ELEVATION**

66 12 6 5002 (R)

PROPOSED HOUSE ON PLOT BETWEEN  
100 & 102 FROGNAL HAMPSTEAD LONDON N.W.3  
CLIENT ANDREW HAMILTON ESQ.  
SKETCH PLANS SCALE 1"= 8' 0"  
ELEVATIONS DRAWING NO. 02.  
COOZDESIGN 48 BELSIZE PARK GARDENS LONDON N.W.3 01 722 7088





PROPOSED HOUSE ON PLOT BETWEEN  
100 & 102 FROGGNAL HAMPSTEAD LONDON N.W.3.  
CLIENT ANDREW HAMILTON ESQ.  
SKETCH PLANS SCALE 1"=81'0" & 1:1250  
PLANS DRAWING NO. D.3.  
OCCUPATION 48 BIELSIZE PARK GARDENS LONDON N.W.3. 01 722 7083



Mr Rex Brown 102 Frognal Hampstead London

NW3 6XU

Dear Sir/Madam

**Development Control Planning Services**

London Borough of Camden Town Hall

Argyle Street London WC1H 8ND

Tel 020 7974 4444

Fax 020 7974 1680 Textlink 020 7974 6866

[env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk) [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Application Ref: **2010/2071/P** Please ask for: **John Sheehy** Telephone: 020 7974 **5649**

3 August 2010

**DECISION**



Town and Country Planning Acts 1990 (as amended)

Town and Country Planning (General Development Procedure) Order 1995

Town and Country Planning (Applications) Regulations 1988

### **Renewal of Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**102 Frognal Hampstead London NW3 6XU**

Proposal:

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.

Drawing Nos: Site Plan; 4172/1 rev.2; 2 rev. 2; 3 rev. 2; 4 rev. 3; 5 rev. 3; 6 rev. 4b; Plans D1; D2; D3; D4.

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.

Director of Culture & Environment Page 1 of 4 Rachel Stopard



INVESTOR IN PEOPLE

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

2. 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 B1 [General Design Principles] and B7 [Conservation Areas] of the London Borough of Camden Replacement Unitary Development Plan 2006.

3. 3 The elevational details to be used on the dwellinghouse hereby approved shall not be otherwise than as shall have been submitted to and approved in writing by the Council before any work is commenced on the relevant part of the development. Such details shall include:
  - (i) a section and elevation through the garage doors, dormer window and typical window at a scale of 1:20 to show joinery profiles, treatment of opening [to include lintel and sill for windows]; annotated to show materials and method of opening.
  - (ii) a section at a scale of 1:10 through the eaves to show relationship of roof, wall and rainwater goods.
  - (iii) a section at a scale of 1:20 to show the proposed gate in the front boundary wall in the new opening, together with details of the gate.Thereafter, these parts of the development 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 B1 (General Design Principles), B3 (Alterations and Extensions) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.

4. 4 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council

for a period of at least 5 years following the completion of the development hereby approved, or such longer period as may be required under Sections 198 and 211 of the Town and Country Planning Act 1990. In particular, details shall be submitted to the Council before works commence on site to demonstrate how the four Hornbeam Trees along the side boundary between nos. 100 & 102 Frognal, shall be protected during construction work: such details shall for instance include measures to protect the tree trunks, to prevent additional soil compaction around the root zone, and to reduce damage to the lower branches including any proposals for crown uplifting.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies B7 (Conservation Areas) and N8 (Trees) of the London Borough of Camden Replacement Unitary Development Plan 2006.

5. 5 Details of the proposed replanting of the Willow Tree and the Apple Tree as

Page 2 of 4 2010/2071/P

outlined in the Arboricultural Report shall be submitted to the Tree Preservation Officer prior to the commencement of construction of any development hereby approved. Such details shall include the exact position, and the season and date of planting.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies B7 (Conservation Areas) and N8 (Trees) of the London Borough of Camden Replacement Unitary Development Plan 2006.

6. 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 as amended by the No.2 Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A to H) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies B1 (General Design Principles) and SD6 (Amenity for occupiers and neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.

7. 7 All rainwater goods shall be formed of black painted metal, and permanently maintained and retained as such.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies B1(General Design Principles) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2000.

8. 8 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 4172/1 rev.2; 2 rev. 2; 3 rev. 2; 4 rev. 3; 5 rev. 3; 6 rev. 4b; Plans D1; D2; D3; D4.

Reason:

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

Informative(s):

1. 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD6 (Amenity for occupiers and neighbours), SD9 (Resources and energy), H1 (New housing), H7 (Lifetime homes), B1 (General design principles), B3 (Alterations and extensions), B7 (Conservation areas), N8 (Trees), T1 (Sustainable Transport), T3 (Cycling facilities), T7 (Offstreet parking), T8 (Car free housing and car capped housing) and T9 (Impact of Parking). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer's report.

2. 2 Your proposals may be subject to control under the Building Regulations and/or the

Page 3 of 4 2010/2071/P

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 2363).

3. 3 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 are advised to consult the Council's Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

4. 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ
5. 5 You are advised that policy H7 of the Replacement Unitary Development Plan 2006 encourages all new housing developments to be accessible to all and meet "Lifetime Homes" standards, and the Council welcomes any measures that can be introduced to facilitate this. You are advised to consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2310) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.





**102 Frogna. Hampstead. NW3 6XU Proposed extension .**

**February 2024**

**Arboricultural Method Statement.**

The owner, Dr. Otto Chan, has plans drawn up to build an extension to the south of the existing house. This extension is on the same footprint as the previously consented 2005/1284 and 10/2017.

British Standard 5837 2012 "Trees in relation to Design, Demolition and Construction – Recommendations" (BS) is used as the criterion for tree submissions to The LB Camden - the local planning authority (LPA).

This survey assumes familiarity with the BS and is guided by the last paragraph of the introduction.

Please refer to the Tree Protection Plan (February 2024). v2 (TPP) below. The TPP shows: existing house, driveway and paths; scale bar; the position of trees; the normative root protection area (as described in the BS) of garden trees; the footprint of the proposed extension in red; and the position of a temporary tree protection fence. The RPA of T4 is shown as there looks to be no root barrier across the boundary.

The canopy of catalogued trees is in the region of 2m radial spread. With a bit of formative pruning they could be category B as described in the BS.

Number on plan	Common name of tree	Stem diameter in mm at 1.5 metres from base
1	Sorbus spp	200
2	Hornbeam	220
3	Hornbeam	220
4	Hornbeam	220



**T3**

**T2**

**T4**

**T1**





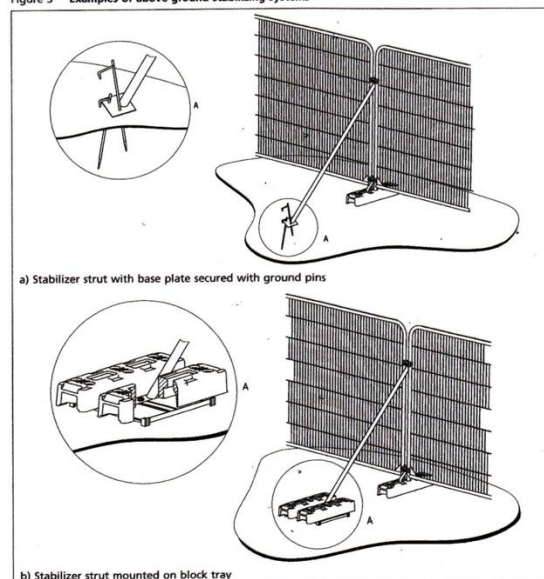
The proposal does not require the removal of any tree.

It shows a slight ingress into the normative root protection areas (RPA) of Ts 1, 2 & 4. The RPA of T4 is shown as there looks to be no root barrier across the boundary. It will be possible to offset the small ingress into the RPA into adjacent land. The trees are young and adaptable and roots opportunistic.

Simple target pruning of the trees will enable installation of the tree protection fence. Much of the lower stem pruning would be normal tree husbandry. The trees will screen the gable end of the extension.

The proposal can be built within the aims and spirit of the BS if constructors are guided by the simple method below. Please refer to the TPP. With the help of an arboriculturalist, assemble the tree protection fence in the position shown on the TPP. – Leave this fence in place until all trades works are finished.

Figure 3 Examples of above-ground stabilizing systems



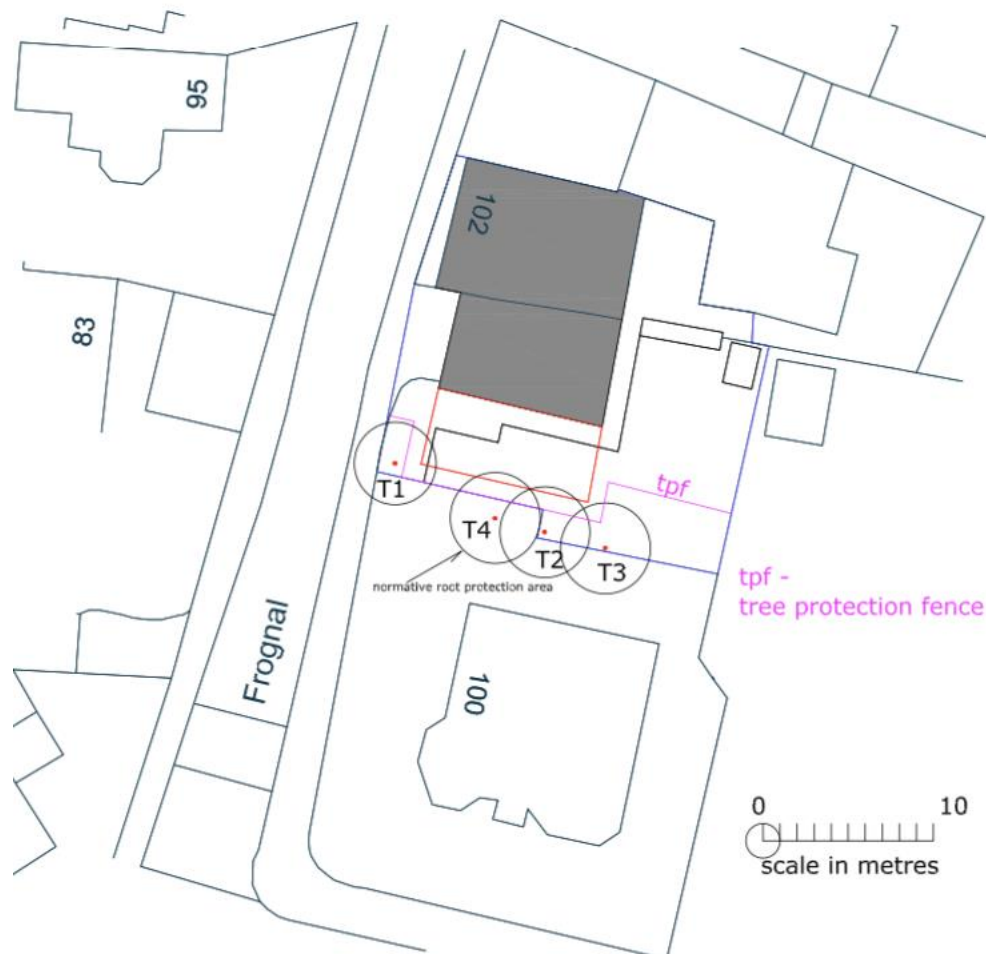


If adjacent levels are to be raised soil must be fleeted towards the base of trees to avoid any part of the stem being buried up. Use " Waterwise" grass seed if available.

*Tim Price.*

Tim Price M.arbor.A

[tp@tretec.co.uk](mailto:tp@tretec.co.uk) 01209821186



102 Frognal. Hampstead. NW3 6XU  
Tree protection plan. TPP  
v2. February 2024