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**From:** Michael Burroughs [REDACTED]  
**Sent:** 29 May 2024 15:31  
**To:** North2  
**Cc:** Otto Chan; Emma McBurney  
**Subject:** Appeal 3338596: LB Camden: 102 Frognal NW3 6XU Appellant's 9-week response  
fao Kate Moody

[REDACTED]  
Dear Sir

1. We are the appellant's agents for this appeal and this email briefly considers (by paragraph number) the principal points made in the Council's 6-week Statement.
2. This reveals many areas of agreement with the appellant's case, some in the context of the recent appeal **3324781** approval for the linking garage extension.
3. The Council's Statement makes the general point that it asked for an extension of time to determine the application that the appellant did not accept. This is consistent with the Planning Guarantee and hardly surprisingly in view of the Council's six month delay in dealing with his pre-app request; its refusal and the subsequent approval on appeal of the **3324781** garage extension; its service and then withdrawal of the enforcement notice; and its two month delay in registering the appeal application. Tellingly, the Statement does not claim that an extension of time would probably have led to an approval.

#### **Areas of Agreement**

4. **Para 3.3.** We agree that *any proposal needs to be sympathetic to this section of the lane, and the setting of the neighbouring listed buildings*. However, the Council has overlooked the fact that the adjacent buildings it refers to were listed in 1950 and 1974 and the Conservation Area was designated in 1968, with its still extant Conservation Area Statement published in 2001. All of these would have been material considerations when the Council permitted the very similar extension to the appeal proposal in 2005 and 2010. In the absence of any material changes in the immediate area, they remain a helpful precedent.
5. There no evidence supporting the Council's easy claim in **para 3.9** that *The understanding of architectural significance, and the importance of, and contribution that buildings and open space make to the character of an area have evolved greatly over the last two decades*.

6. **Para 3.6** We agree *the south* (boundary of No.102) *is currently occupied by trees which fortuitously limit the view of the southern flank of No.102, maintaining a bucolic street view towards the north.*
7. **Para 4.3.** expands this. We agree that *that heavy tree screening to the side boundary with No.100 Frogna to the south with high front boundary walls and the setting of the subject extension back from the front elevation, would substantially limit views of the proposed extension on the approach from the south along Frogna and from the junction of Frogna Gardens with Frogna over the garden of No.100.*
8. Later, **para 5.2** confirms *that no trees are proposed for removal to facilitate the development. The impact of the scheme on the trees to be retained is likely to be of an acceptable level subject to suitable tree protection measures to be secured.*
9. The Council appears to accept that the boundary screening supports approval, and we agree with this.
10. **Para 3.8** This does not resile from the Council's case at appeal **3324781** that, even with the (now permitted) cosmetic changes, the extension was *'heavy and lumpen and visually boring'* with a *'contrived ground floor recess'* and a *'flat, overly heavy crown roof'*. We agree that the existing and permitted extensions both have an unfinished appearance. An important purpose of this appeal proposal is to terminate the permitted extension more attractively (as the earlier consents secured.
11. At **para 3.10** the Council importantly accepts that the design of the proposal *creates a visual interest and might be said to mitigate the lumpen appearance of the middle garage extension.* The Council does not deny this will enhance the CA's appearance and be consistent with its character.
12. **Para 3.13** makes the unsurprising observation that *Officers are aware that there are other side extensions within the Conservation Area* - an established feature. The proposal is entirely consistent with this feature of the established character of the CA.
13. **Paras 4.2 and 4.3** say the proposed amenity screen to the balcony *would be acceptable and would help mitigate any potential overlooking towards neighbouring properties.* It also confirms *no significant new impacts on neighbour amenity would result from the proposal.* and conclude *Overall, it is not considered the proposed extension would be likely to have any greater visual impact than what the existing garage extension has on the neighbouring sites due to the orientation of the building and the distances to the neighbouring properties. Therefore, the application is considered acceptable on amenity grounds.* We agree with all of this - the proposal will not harm neighbours' amenity.

### Areas of Disagreement

14. **Para 3.5.** For what it's worth, the appellant says that No.102 was built in 1905 (the high watermark of Arts and Crafts design, and when Hampstead Garden Suburb was getting off the ground) not 1880 as the CA Appraisal says.
15. **Para 3.5** also says *The curve of (Frogna) and the forward position of the house means that No.102 contributes prominently and positively to both the setting of the listed buildings adjacent as well as to the character and appearance of the streetscape/conservation area. Para 3.11 says Being on the inner curve of the elbow of the road the current house has visual prominence, thus there is the possibility that the extended building would visibly further crowd this part of the lane.*
16. This overlooks the important consideration that No102 is a flamboyant, eye-catching house set forward close to the carriageway on the apex of the curve, while the proposal is set well back beyond the curve behind No102's building line and the roadside feature of the 2m garden wall. It is screened by the trees to the south, the wall from the west and the house to the north. The Frogna street scene is characterised by its irregular front building lines and if a local precedent is needed, it will resemble the post-war houses behind the wall immediately south of No100 on the opposite side of Frogna Close.
17. **Para 3.10** claims *To marry well with the host building the new extension should appear to be subservient without competing with it.* The ridge of the proposal set perpendicular to the road, well below the ridge of the house, even below the line of the large dormer gables, it is set well back behind the garden wall and the building line of No100 and 102 and is quietly designed in a vernacular early Hampstead Garden Suburb-type style that compliments the main house. It is plainly subservient.
18. **Para 3.12** claims *The proposed extension would also result in undesirable loss of garden space,* but the remaining garden is well above the Council's standards in an area where there is a great variety of garden sizes. It says that *The current gap and greenery between No.100 and No.102 is considered important in maintaining the open and verdant character of the lane* but **Para 5.2** confirms *that no trees are proposed for removal to facilitate the development. The impact of the scheme on the trees to be retained is likely to be of an acceptable level subject to suitable tree protection measures to be secured.*
19. **Paras 3.13 and 3.14** rely on **LP policy D2** that *makes it clear that the Council will only grant consent for development in a Conservation Area that preserves and enhances the special character or appearance of the area.* This simply restates the statutory test that has been in place since the late 1960s. The Council obviously considered the test was satisfied by the 2005/2010 consent scheme and there is no policy basis for its change of heart.

**Suggested Conditions**

20. The appellant has no comments on the proposed conditions.

21. There is nothing in the Council's statement that requires any of the appellant's evidence to be altered. Please acknowledge receipt of this email

Yours faithfully

Mike Burroughs