

Enforcement Delegated Report

Receipt date:

September 2023

Officer

Katrina Lamont

Enforcement Case

EN23/0754

Breach Address

111 Frognal
London
NW3 6XR

Photos & Other material

On file.

Authorised Officer Signature



28/01/2025

Alleged Breach

Breach of condition 3 (approved drawings and documents) of planning permission 2019/6089/P for Demolition of non-original extensions including rear box back extension, uPVC greenhouse and boiler house; excavation of rear garden and erection of basement room beneath garden; erection of single storey rear extension at upper ground level and reinstatement of historic sloping roof, rear dormer and gable; replacement front dormer windows; internal and external refurbishment including removal of non-original partition walls and staircase, alterations to front and rear fenestration and reinstatement of timber stable doors

AND

Breach of condition 3 (approved drawings and documents) of planning permission 2021/3072/P for Variation of condition 3 (approved drawings) of planning permission ref: 2019/6089/P granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, and changes to new window design.

Recommendation(s):

That the Borough Solicitor be instructed to issue a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 as amended with regard to condition (3) of planning permission reference 2019/6089/P granted on 3rd March 2020 and condition (3) of planning permission 2021/3072/P granted on 18th October 2022 and that Officers be authorised in the event of non-compliance to prosecute under that section.

Site Description

The site is a stable block range dating from approximately 1740, attributed to Flitcroft and listed Grade II*, adapted by noted New Brutalists the Smithsons for sculptor Caro in the 1960s.

Prior to the unauthorised works, the façade retained its general form, although the doors and windows have been replaced (apart from one sash window) and the brickwork has been painted. Flat box dormers were previously inserted in the roof to replace originals. The interior has been extensively modernised, including the conversion of some of the attics to rooms with a box-back mansard, however, appreciation of the site's original function, as a stable block, has been retained in the single-room plan.

To the rear, a large garden slopes towards the house, terminating in flights of concrete steps, herbaceous borders and a small concrete terrace.

The site is located on the western side of Frognal, a quiet residential road accessed from Frognal Rise. It is within the Hampstead Conservation Area and Hampstead Neighbourhood Forum Area.

Investigation History

An enforcement investigation was opened following a site inspection on 14th September 2023 attended by Enforcement and Conservation Officers which raised concerns that the development does not appear to be built in accordance with approved plans.

A letter and caution was sent to the owners of the site on 26th September 2023 outlining Officers concerns and requesting clarification on issues raised and as built survey plans.

The owners provided a response and plans on 10th October 2023. The drawings provided do not appear to reflect the as built situation on site as clear differences identified on site had not been shown.

On the 19th June 2024 a revised Heritage Statement and as built survey drawings were provided by the owner's agent. An as built section was provided on 24th July 2024. The full set of as built drawings are attached at Appendix A. It is important to note that the as built front elevation does not appear to be an accurate reflection of the approved versus as built position. This will be discussed further below in relation to Figure 1.

At the date of writing this report, the following breaches of the approved drawings have been identified:

- Raising the height of the main roof ridgeline above the pre-existing ridgeline height, altering the pitch of the roof and bringing forward the position of the front roof slope.
- Increase in height of the front elevation so that the eaves position of the roof is higher
- Increase in height of the two front gabled projections.
- Front dormers have been built larger and in a different position.
- Rear dormer window has been built larger in size.
- Rear upper floor extensions have been built taller.

Figure 2. As built section

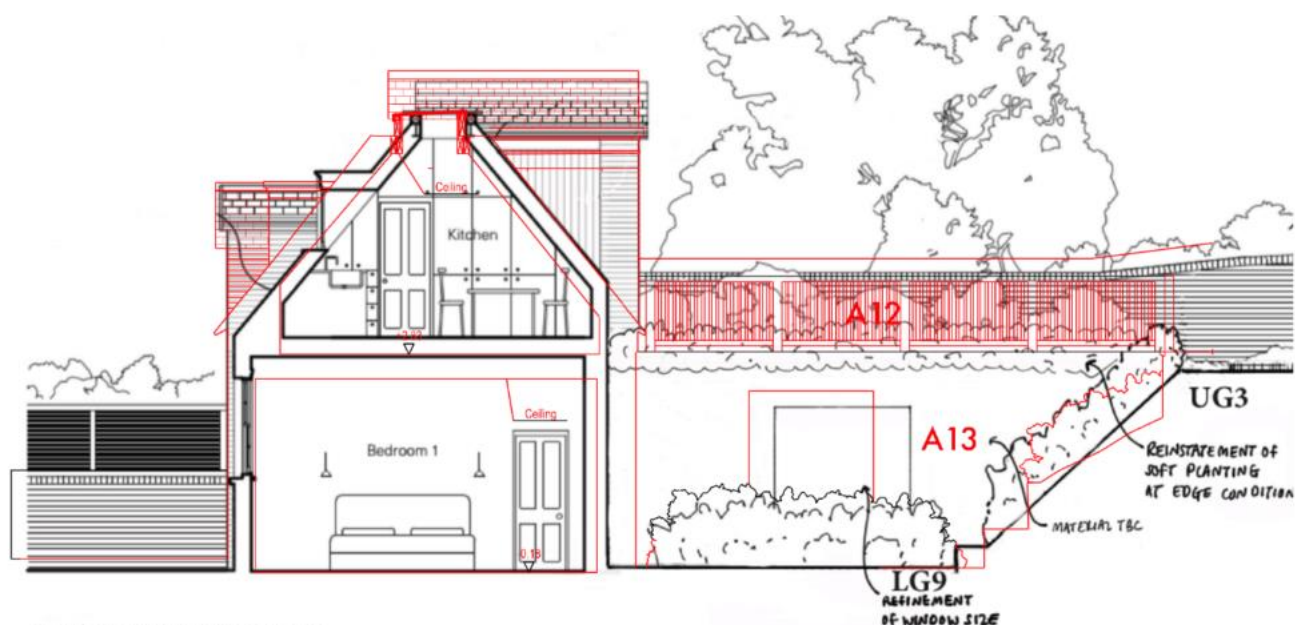


Figure 3. As built section GG

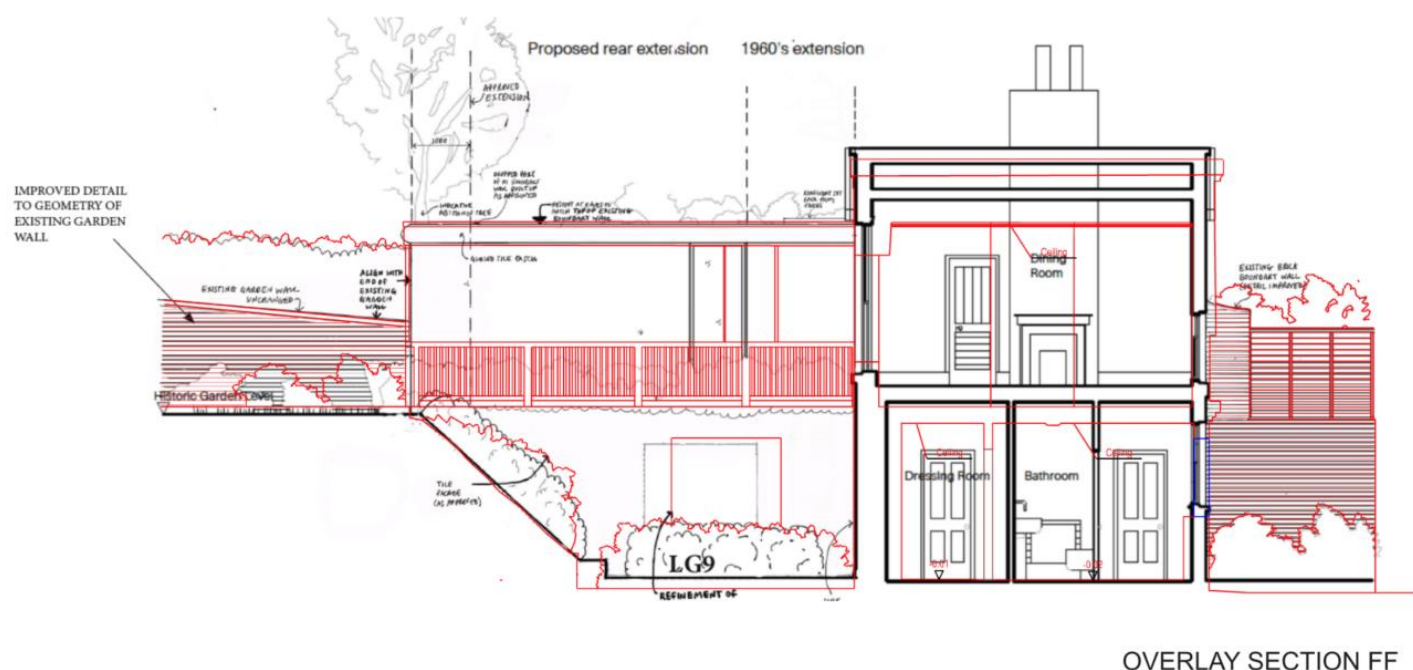


Figure 4. As built section FF.

Given the extent of the unauthorised works identified and the adverse impact this has on the Grade II* listed building it is considered expedient to take formal enforcement action.

Basement

An enforcement investigation into unauthorised works to the basement is being carried out under reference EN21/0110. Listed building consent was refused on 14th April 2023 (2021/3086/L) for

Replacement of unoriginal floated timber floor with solid ground floor at historic level, removal of backfill from part of the pre-existing cellar, structural repairs of the cellar walls and tanking and dry-lining of the cellar (retrospective application). A subsequent appeal was dismissed (APP/X5210/Y/22/3308964) on 28/07/2023. The Inspector did not agree with the appellants assertions that they were not aware of the need for listed building consent for the works, the works were emergency, cellar brickwork was designed not to be seen and had little inherent value, the cellar has no significance to the appreciation of nos.105-111, the works have improved the legibility of the building. The Inspector stated the significance of Nos 105-111 is derived from its aesthetic, evidential and associative values, as well as its intact historic fabric, and the layout, scale and form of each phase of building. The Inspector concluded the works fail to preserve Nos 105 -111 or any features of special architectural and/or historic character that they possess. This amounts to less than substantial harm. Prosecution proceedings have commenced.

Swimming pond and outbuilding in front garden

A swimming pool has been built in the rear garden and a large outbuilding in the front garden which do not appear to be accurately depicted on any applications submitted by the owners. These issues will be dealt with by an Enforcement Warning Notice (swimming pool) and Enforcement Notice (outbuilding).

Relevant policies / GPDO Category

National Planning Policy Framework 2023

Achieving well-designed places - Sections 131-141

Conserving and Enhancing the Historic Environment - Sections 202-221

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A5 Basements

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and car-free development

T4 Sustainable movement of goods and materials

DM1 Delivery and monitoring

Hampstead Neighbourhood Plan 2018

DH1 – Design

DH2 – Conservation areas and listed buildings

NE2 – Trees

NE4 – Supporting biodiversity

BA1 – Basement impact assessments

BA2 – Basement construction plans

BA3 – Basement management plans

Supplementary Planning Policies

Camden Planning Guidance

Amenity CPG 2021

Basements CPG 2021

Biodiversity CPG 2018

Design CPG 2021

Transport CPG 2021

Trees CPG 2019

Hampstead Conservation Area Statement 2001

Draft New Camden Local Plan

DS1 Delivering Healthy and Sustainable Development

A1 Protecting Amenity

A4 Noise and vibration

D1 Achieving Design Excellence

D4 Extensions and Alterations

D5 Heritage

T1 Safe, Healthy and Sustainable Transport

T2 Prioritising walking, wheeling and cycling

T3 Public Transport

T4 Shared transport infrastructure and services

T5 Parking and car-free development

Assessment

Relevant Planning History:

2024/0522/L and 2024/0523/P – Variation of planning permission ref: 2019/6089/P and listed building consent ref: 2019/6100/L granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, south staircase, amendments to front dormer window and rear gabled dormer window, external materials and landscaping – **Refused, 23/01/2025**

Reason for refusal:

1. The development, by reason of the cumulative impact of the increase in ridge height, raising of the eaves height, resulting increase in height of the rear additions, repositioning of the front roof slope and the scale, location and design of the front dormers, harm the special character and appearance of the host building which is listed and the character and appearance of the wider conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.
2. The development, by reason of the alterations to the front elevation would be harmful to character and appearance of the host building which is listed and the character and appearance of the wider conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

2022/2007/P - Green roof details required by condition 4 of planning permission ref: 2020/5992/P dated 15.09.2021 for the Demolition of rear garden sheds, erection of replacement outbuilding and creation of new access gate to rear boundary wall – **Granted, 30/06/2022**

2022/1202/P - Landscaping details required by condition 4 of planning permission ref: 2020/5992/P dated 15.09.2021 for the Demolition of rear garden sheds, erection of replacement outbuilding and creation of new access gate to rear boundary wall – **Granted, 06/05/2022**

2021/3803/P - Replacement of unoriginal floated timber floor with solid ground floor at historic level, removal of backfill from part of the pre-existing cellar, structural repairs of the cellar walls and tanking and dry-lining of the cellar (retrospective application) – **Granted, 14/04/2022**

2021/3086/L - Replacement of unoriginal floated timber floor with solid ground floor at historic level, removal of backfill from part of the pre-existing cellar, structural repairs of the cellar walls and tanking and dry-lining of the cellar (retrospective application) – **Refused, 14/04/2022 and appealed dismissed (APP/X5210/Y/22/3308964) 28/07/2023**

Reason for refusal:

1. The development, by reason of the substantial damage to the fabric and historic character of the underfloor features, harms the special interest of the host listed building, contrary to policy D2 (Heritage) of the Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

2021/3072/P & 2021/3075/L - Variation of planning permission ref: 2019/6089/P and listed building consent ref: 2019/6100/L granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, and changes to new window design – **Granted, 18/10/2021**

2021/0409/P - Variation of condition 3 (approved drawings) of planning permission ref: 2019/6089/P granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, installation of railings and planters to rear, and changes to new window design – **Refused and warning of enforcement action to be taken, 17/05/2021**

Reason for refusal:

- 1 The development, by reason of the cumulative impact of the size of the rear extensions at upper ground and lower ground floor level, the proposed materials, and garden railings and planter boxes, harms the character and appearance of the host listed building and this part of the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.
- 2 In the absence of a basement impact assessment, it has not been satisfactorily demonstrated that the basement has not harmed the structural stability of the building or neighbouring properties or adversely affected the structural, ground and water conditions of the area, contrary to policy A5 (Basements) of the Camden Local Plan 2017 and policy BA1 (Basement impact assessments) of the Hampstead Neighbourhood Plan 2018.

2021/0406/L - Variation of condition 2 (approved drawings) of listed building consent ref: 2019/6100/L granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts,

changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, installation of railings and planters to rear, changes to new window design, replacement floor joists, amendment to stair position - **Refused and warning of enforcement action to be taken, 17/05/2021**

Reason for refusal:

1.The development, by reason of the cumulative impact of the size of the rear extensions at upper ground and lower ground floor level, the proposed materials, and garden railings and planter boxes, harms the special historic and architectural interest of the listed building, contrary to policy D2 (Heritage) of the Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

2020/5992/P and 2020/5993/L - Demolition of rear garden sheds, erection of replacement outbuilding and creation of new access gate to rear boundary wall – **Granted, 15/09/2021**

2020/3181/P - Details of basement engineer, building foundations and tree protection measures required by conditions 4, 5 and 6 of planning permission granted on 03/03/2020 under ref: 2019/6089/P for the (Demolition of non-original extensions; excavation of rear garden and erection of basement room beneath garden; erection of single storey rear extension at upper ground level; replacement front dormer windows; and other internal and external alterations) – **Granted, 05/08/2020**

2019/6089/P and 2019/6100/L - Demolition of non-original extensions including rear box back extension, uPVC greenhouse and boiler house; excavation of rear garden and erection of basement room beneath garden; erection of single storey rear extension at upper ground level and reinstatement of historic sloping roof, rear dormer and gable; replacement front dormer windows; internal and external refurbishment including removal of non-original partition walls and staircase, alterations to front and rear fenestration and reinstatement of timber stable doors– **Granted, 03/03/2020**

2004/2563/P & 2005/0330/L - Retention of higher replacement gates at front boundary and new trellis on existing front boundary brick wall, plus retention of replacement metal gates at rear entrance facing Oak Hill Way. **Granted 18/03/2005.**

3364 - The erection of a two storey addition to the rear of 111 Frognal, Hampstead - **Granted, 08/08/1960.**

1 Significance of 111 Frognal

- 1.1 The subject site is a former stable building, part of a larger estate by Henry Flitcroft which is statutorily listed grade-II*. It is one of four adjacent properties at nos. 105 – 111 Frognal comprising the former house (Frognal Grove) and its stable block and gardener's cottage, now four semi-detached properties. The four properties form part of a group listing, first listed in 1950 for their architectural and historic interest as well as their group value.
- 1.2 Frognal Grove was a country house built by Henry Flitcroft in 1750. The estate, including the main manor house, outbuildings and gardens, was sold for conversion in 1953. Three dwellings were formed from the main house and a fourth from the stables and gardener's cottage (the site).
- 1.3 The original stable block built by Flitcroft in the 18th century was largely rebuilt and extended to the north in the mid/late 19th century by GE Street. As part of the 1950s subdivision of the estate, the stable block was divided in two and its courtyard separated. The southern bay of the stables now forms part of no.109 Frognal which includes part of the stable and the late 19th-century extension of the house. No. 111 Frognal comprises the former cottage (northern range) and the northern part of the stable block which contains two pediment gabled bays (southern and northern transepts) either side of the central range.
- 1.4 The site was bought by Anthony and Sheila Caro in the late 1950s. The Caros converted the stables and gardeners cottage into residential accommodation and carried out a number of alterations including removal of historic dormers and the removal of stable doors and windows and replacement with casement windows to the front elevation. More significant changes were made to the rear including a new rear extension, excavation of garden ground level, removal of roof and erection of new box back extension, and changes to windows and doors.
- 1.5 As mentioned above, it is the building's historic and architectural interest which is considered to contribute to its significance. Its architectural interest derives from the surviving historic fabric and what remains of the original front façade, its simple layout as a loft above a stable, and its single-cell-deep plan form, attesting to its former use.
- 1.6 The building's historic interest derives from its relationship with the larger Frognal Grove estate, its historic association with Henry Flitcroft and GE Street, and the more recent association with the Caros.
- 1.7 The subject site is located within Sub Area 5 (Frognal) of the Hampstead Conservation Area.

- 1.8 As described in the Conservation Area Statement, Hampstead has an exceptional combination of characteristics that provide the distinct and special qualities of the Conservation Area - the variety of spaces, quality of the buildings, relationships between areas, all laid upon the dramatic setting of the steep slopes, contribute to the character of the area. The contrast between the dense urban heart of Hampstead and the spaciousness of the outer areas is one of its major characteristics. It also demonstrates its historic development with the 18th century village still evident, adjacent to the streets created in the Victorian era, as well as many 20th century contributions. The Conservation Area character is therefore derived from the wide range of areas within it, each of which makes an important and valuable contribution to the Conservation Area as a whole.
- 1.9 The Planning Inspector in the appeal APP/X5210/Y/22/3308964 described the significance of the listed building as follows:
- 1.10 *14. The appreciation and significance of Nos 105 -111 is derived from its historic association with the succession of prominent architects and artists who have influenced its design and development. In addition, the former principal block, southern wing and 19th century extensions in particular, have impressive and attractive facades and high quality intact historic fabric on their external envelopes. These have a style and ornamentation reflective of the fashion of the times and the owner's status. Even the former stable block has a degree of symmetry and classical ornamentation that ties it stylistically to the principal residence.*
- 1.11 *15. The variation in style, scale, ornamentation and materials across the range fully demonstrates the functional and social differentiation between buildings, reflective of a highly stratified society. However, the original principal block remains visually dominant, and Nos 105-111 as a whole provides a useful insight and evidential value into the establishment, development and evolution of a large country estate for an emerging professional class.*
- 1.12 *16. The understated charm of No 111 has a more modest and utilitarian aesthetic. However, lower grade materials and lower standards of workmanship do not necessarily equate to lower levels of importance when understanding the support provided by ancillary buildings within the estate. I appreciate that the subdivision of the plots has intruded into the setting of Nos 105-111, but this does not negate the other contributions made to the building's overall appreciation.*
- 1.13 *17. I conclude that the significance of Nos 105-111 is derived from its aesthetic, evidential and associative values, as well as its intact historic fabric, and the layout, scale and form of each phase of building.*

2 Planning Background

2.1 Planning permission and listed building consent was approved under references 2019/6089/P and 2019/6100/L (granted 03/03/2020) for the following works:

- Demolition of non-original extensions including rear box back extension, uPVC greenhouse and boiler house;
- Excavation of rear garden and erection of basement room beneath garden;
- Erection of single storey rear extension at upper ground level;
- Reinstatement of historic sloping roof to rear, rear dormer and gable;
- Installation of replacement front dormer windows;
- Internal and external refurbishment including removal of non-original partition walls and staircase, alterations to front and rear fenestration and reinstatement of timber stable doors.

2.2 The above approved development was considered to carry out modest internal partition works. Externally, modern dormers were to be removed and replaced with more appropriate features.

2.3 In drawings P1.E rev08 and EE.CC rev08, the roof is shown without a firebreak upstand to no.109, and with the ridge line straight through.

2.4 The consented scheme was considered, on balance, to provide an overall heritage benefit to the significance of the host Grade II* listed building. Modest rear extensions were granted above and below ground, and the proposals included a number of heritage improvements which included the re-creation of a missing gabled transept and partial reinstatement of the roof pitch to the rear; the removal of the modern rear extension to reveal the full width of the 19th century transept; the reinstatement of traditional dormers to the front elevation; removal of harmful modern glazing and installation of more sympathetically designed windows and doors; and the partial restoration of the original landscaping scheme.

2.5 The above consent was varied via applications 2021/3072/P & 2021/3075/L (granted on 18/10/2021) which proposed the following alterations to the approved scheme:

- Changes to the approved basement extension at lower ground floor to increase it from a maximum length of 6.9m and width of 4.2m to 7.9m long and 4.7m wide. The amended proposals retain the new foundations, but the additional area created would be backfilled so that it could not be used as habitable space. The revised proposals would increase the GIA of the basement room from 22sqm to 28sqm.
- Changes to approved upper ground floor rear extension to increase it from approximately 6.6m wide and 4.6m long to 6.26m wide and 5.56m long, to increase the overall footprint by 2sqm.

- Extension of lower ground floor 'boot room' by 1m.
- Replacement of rear wall adjoining lower ground and upper ground rear extensions and associated replacement of floor joists.
- Change to glazing bar pattern of front sash window to be more in keeping with original window design.
- Slight increase in the size of two approved garden basement windows.
- Internal alterations to the positions of proposed walls, stairs, windows and doors.

2.6 This report sets out how the as built scheme departs from the parent consent 2019/6089/P and the later varied application 2021/3072/P.

2.7 Retrospective consent was sought under applications 2024/0523/P and 2024/0522/L, seeking to make lawful the as built changes. These applications were refused on 23 January 2025.

3 Pre-existing site photographs of no.111 Frognal

3.1 Front elevation



Figure 5. Pre-existing front elevation of 111 Frognal.



Figure 6. Pre-existing front elevation of 111 Frognal.

3.2 Site photographs show the ridgeline followed that of no.109 Frognal. Insensitive dormers had been installed at some point in time.

Pre-existing photos from previous applications and pre-apps show the ridge line of the roof followed that of the neighbour at no.109 Frognal



Figure 7. Site photograph taken in 2004 showing the ridgeline of the roof.

3.3 The above site photograph from a planning application in 2004 (Ref: 2004/2663/P) shows that the ridgeline of the front roof followed that of the neighbouring property no.109. At one point it was likely one building.

3.4 Rear Elevation



Figure 8. Pre-existing rear elevation.

3.5 The pre-existing rear elevation featured a series of insensitive extensions and alterations over the years.

4 Assessment

4.1 The principal planning considerations in assessing the unauthorised alterations are:

- a. Design and Heritage
- b. Neighbouring amenity
- c. Expediency to take enforcement action

4.2 Design and Heritage

- 4.3 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 4.4 Policy DH1 of the Hampstead Neighbourhood Plan expects proposals to respect and enhance the character and local context of the relevant character areas, and to respond and contribute positively to the distinctiveness and history of the character areas through their design and landscaping. Policy DH2 requires development proposals to protect and/or enhance buildings (or other elements) which make a positive contribution to the conservation area, as identified in the relevant Conservation Area Appraisals and Management Strategies.
- 4.5 Camden's Local Plan is supported by CPG documents 'Design', 'Home improvements' and the Hampstead Conservation Area Statement.
- 4.6 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.
- 4.7 The NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness (para.192). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para.193).

4.8 How the as-built differs:

	Approved	As-built
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Front Roof	No change in ridge height shown in any approved drawing apart from a slight increase to ridge height only shown on one elevation plan (as part of application 2021/3072/P) and not included on the development description of any application.	<ul style="list-style-type: none"> Entire roof rebuilt so that the pitch of the roof no longer follows that of no.109 but sits further forward. Fire break upstand more prominent than depicted on drawings. Increase of ridge height beyond what was approved. Alteration to pitch and position of roof
Front elevation (excluding roof)	Insertion of 2 x large timber doors with glazed doors behind	<ul style="list-style-type: none"> The height of the front elevation has been increased so that the fascia and gutter line have risen by approximately 160mm
Front dormers windows	Pre-existing 2 x front dormers were to be replaced with more sympathetic form as informed by a 1949 site photograph of the property (Drawing reference E1.CC Rev 09)	<ul style="list-style-type: none"> As built front dormers are larger and bulkier than shown on approved drawings. Position of the left hand side dormer window is incorrect. It sits closer to the central gabled projection than depicted on approved drawings. The height of the left hand sided dormer is approximately 302cm taller than the approved dormer window.
Central pediment and left hand side pediment	Diocletian windows reinstated	<ul style="list-style-type: none"> The pediments have been raised in height. Diocletian windows not reinstated. (pre-existing window to left hand side pediment still in place)
Rear extensions, rear dormer window and rear kitchen crown roof	<ul style="list-style-type: none"> Erection of single storey rear extension at upper ground level; Reinstatement of historic sloping roof to rear, rear dormer and gable; A new rear dormer was granted with slim plain detailing and 9 over 9 windows. The rear dormer window would be set within the roof slope. Crown roof permitted 	<ul style="list-style-type: none"> The extensions appear to be taller than permitted. The rear dormer window is taller than permitted and has a substantial brow and cheeks faced in lapped timber, rather than the slim, plain detail consented. It sits prominent on the roof slope rather than set within the roof slope. Position of crown roof is higher as the overall roof is higher. In addition the crown roof is taller than shown on approved plans.

Internal layout	<ul style="list-style-type: none"> • South staircase – approved as dog leg • Master bathroom – two doorways approved • Guest bedroom with bathroom north wing 	<ul style="list-style-type: none"> • South staircase as built – straight run • Master bedroom – one doorway removed • Guest bedroom omitted 	
External finish to rear courtyard	A mix of lime render finish and tiles	<ul style="list-style-type: none"> • Lime render finish to entire courtyard 	
Rear Landscaping	Original garden level reinstated adjacent to the main dwelling with soft landscaping illustrated on approved plan P2.UG Rev 08	<ul style="list-style-type: none"> • Decking installed instead of garden roofs 	

4.9 Front roof

4.10 By the owners own admission in the Design, Access and Heritage statement attached to application 2019/6039/P and 2019/6100/L -

4.11 *Heritage benefits are achieved by restoring the original fabric and composition of the original building by reinstating lost features such as sloping roofs, georgian windows, historic style and size dormers and doors, transepts, and original garden levels.*

4.12 The approved front roof alterations only included the replacement of insensitive front dormer windows with dormer windows.

4.13 The as built front roof has been significantly altered to the extent it no longer reads as a continuation of the roof at no. 109. The ridgeline has been increased, the base of the roof (where the roof starts) has been increased, the roof has been pulled forward increasing the eaves. In doing so the chimneys have been dwarfed.

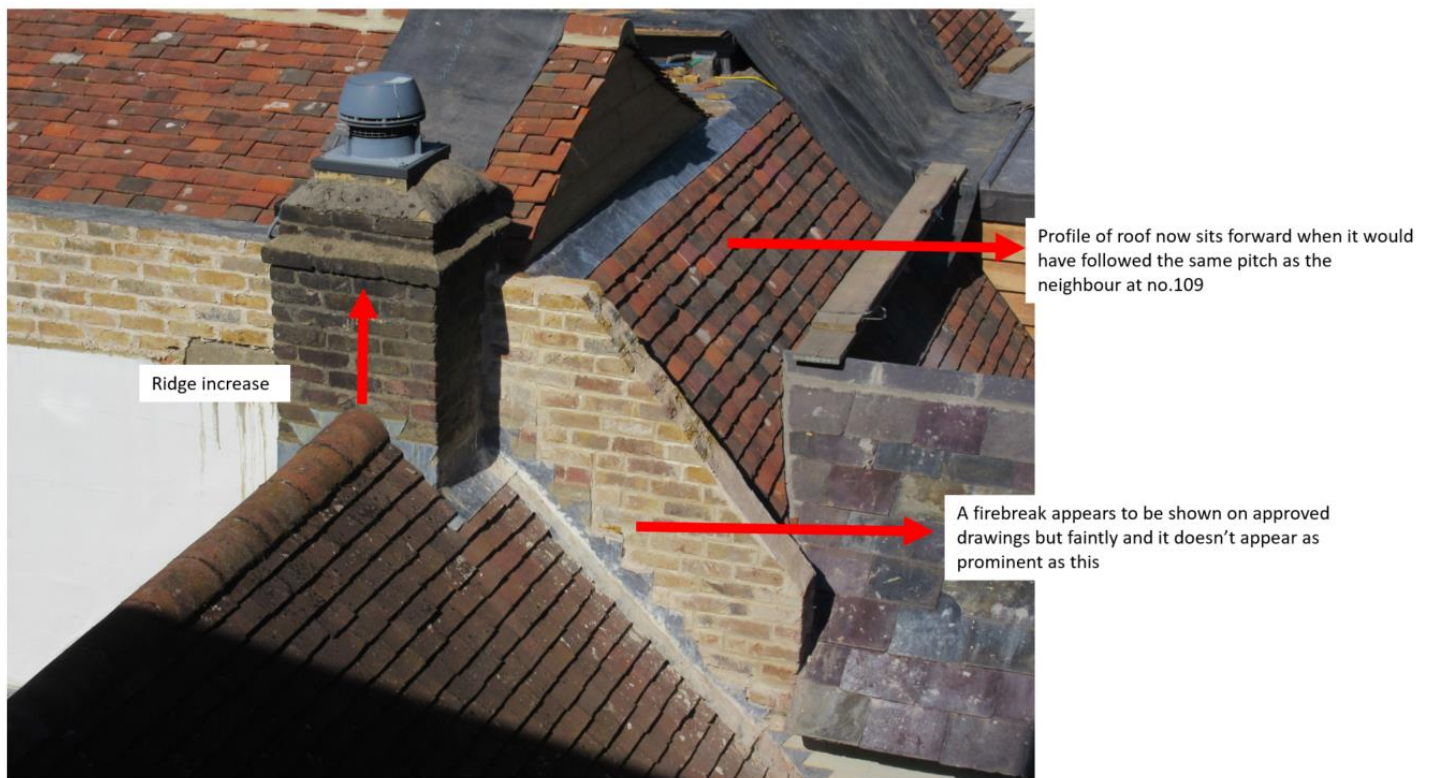


Figure 9. Site photograph showing the as built roof and firebreak



Figure 10. Left photograph from 2004 and right photograph taken on 14th September 2023.

4.14 As the photos in figures 9 and 10 illustrate the alterations to the roof of no.111 are significant and unsympathetic and go far beyond the consents given. The roof on the front façade of the building has been completely demolished and rebuilt, without consent, with a higher ridge and a steeper pitch.

4.15 The parent planning and listed building consents (Reference 2019/6089/P and 2019/6100/L) showed the ridgeline to the roof as retained with only the rear roof being removed and rebuilt to reinstate its historic proportions.

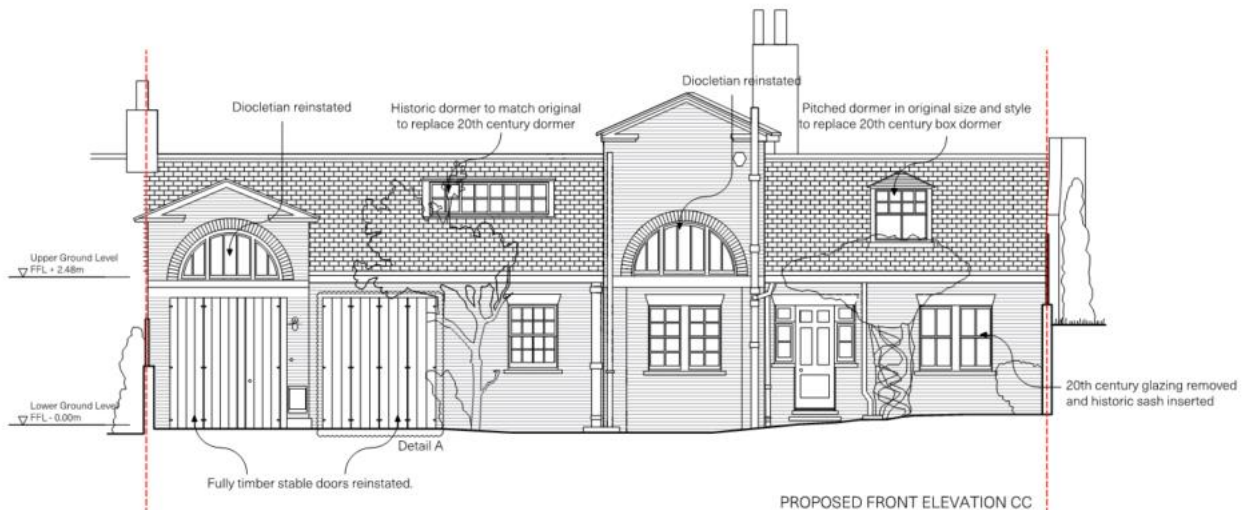


Figure 11. Approved front elevation drawing number E1.CC Rev.08 parent applications 2019/6089/P and 2019/6100/L

4.16 There is no increase in height to the roof ridge shown nor is it mentioned in anywhere else in the submitted documentation. The only alterations to the front roof is the removal of the insensitive front dormer windows and their replacement with more sympathetic dormers

4.17 The parent applications were later varied by 2021/3072/P & 2021/3075/L, which approved changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, and changes to new window design. The submitted drawings included an annotation to the front elevation drawing below in figure 13 which states 'Proposed upstand in boundary wall to accommodate approved change in roof height'. However this annotation is inaccurate. The roof height was not approved as part of the 2019/6089/P and 2019/6100/L applications, it is not shown on any drawings as part of the parent application or in the description of the development.

4.18 Aside from dormers to the front and rear the only alteration to the roof was the reinstatement of a pitched roof to the rear. The ridge increase shown on the one elevation drawing submitted under 2021/3072/P & 2021/3075/L (in figure 12 and 13) is inconsistent with and does not appear on any other approved drawings such as sections and nor is it mentioned anywhere else in the submitted documentation. Furthermore, there is no mention of this change within the development description. It is therefore considered that the increase in ridge height of the roof above the pre-existing ridge height is not approved.

4.19 Notwithstanding, even if the above annotation means an increase in ridge height has been inadvertently approved via applications 2021/3072/P & 2021/3075/L (which is disputed), it did not approve changing the pitch, profile, eaves and position of the roof. These elements have never been shown on any sections, and nor were they shown by the owner on the as built sections provided to the Council on 10th October 2023. In addition, the ridgeline shown in the elevation drawing would only be marginally higher than the adjoining neighbour at no.109 however as figures 9 and 10 show, the difference is substantial and they no longer read as one building. The difference in the as built height is further shown in Figures 13 and 13a.



Figure 12. Proposed front elevation submitted as part of applications 2021/0409/P and 2021/0406/L

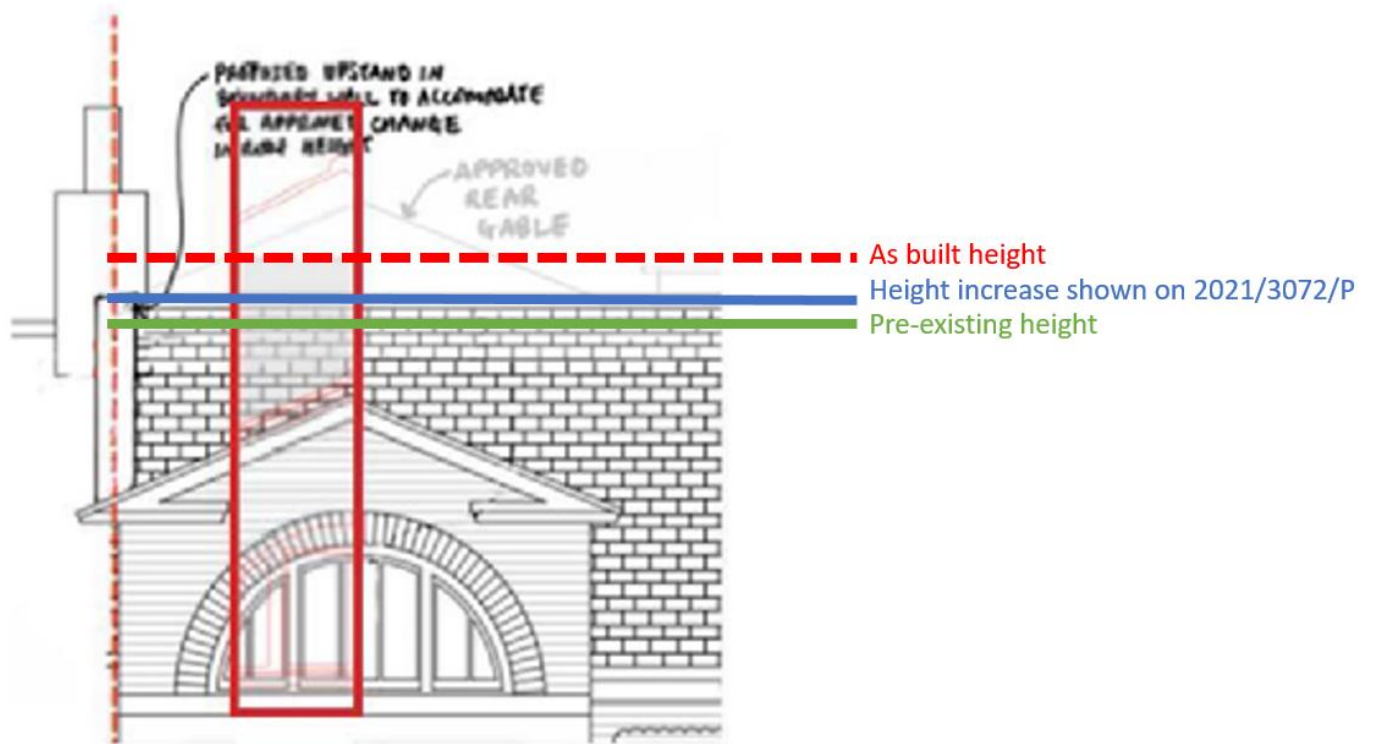


Figure 13. Image showing the annotation on the above drawing which reads 'Proposed upstand in boundary wall to accommodation approved change in roof height'

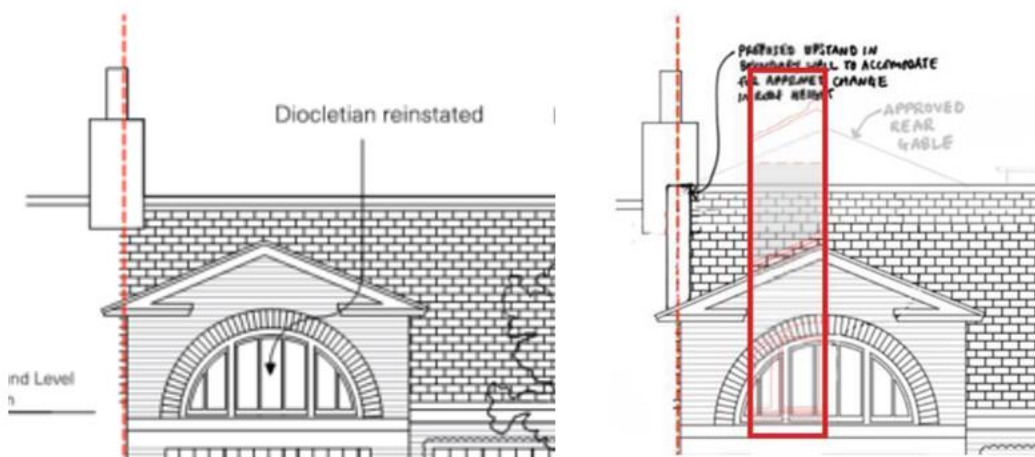


Figure 13a. Left image showing approved front elevation as part of application 2019/6089/P. The right image shows the front elevation approved as part of application 2021/3072/P. The red box over this elevation shows how the as-built front elevation provided by the appellant in figure 1 implies the grey area along the ridge roof is what had been approved, but this goes beyond what is shown on approved drawings for applications 2019/6089/P and 2021/3072/P. The as built front elevation drawing provided by the owner is an inaccurate depiction of the approved versus as built situation on site.

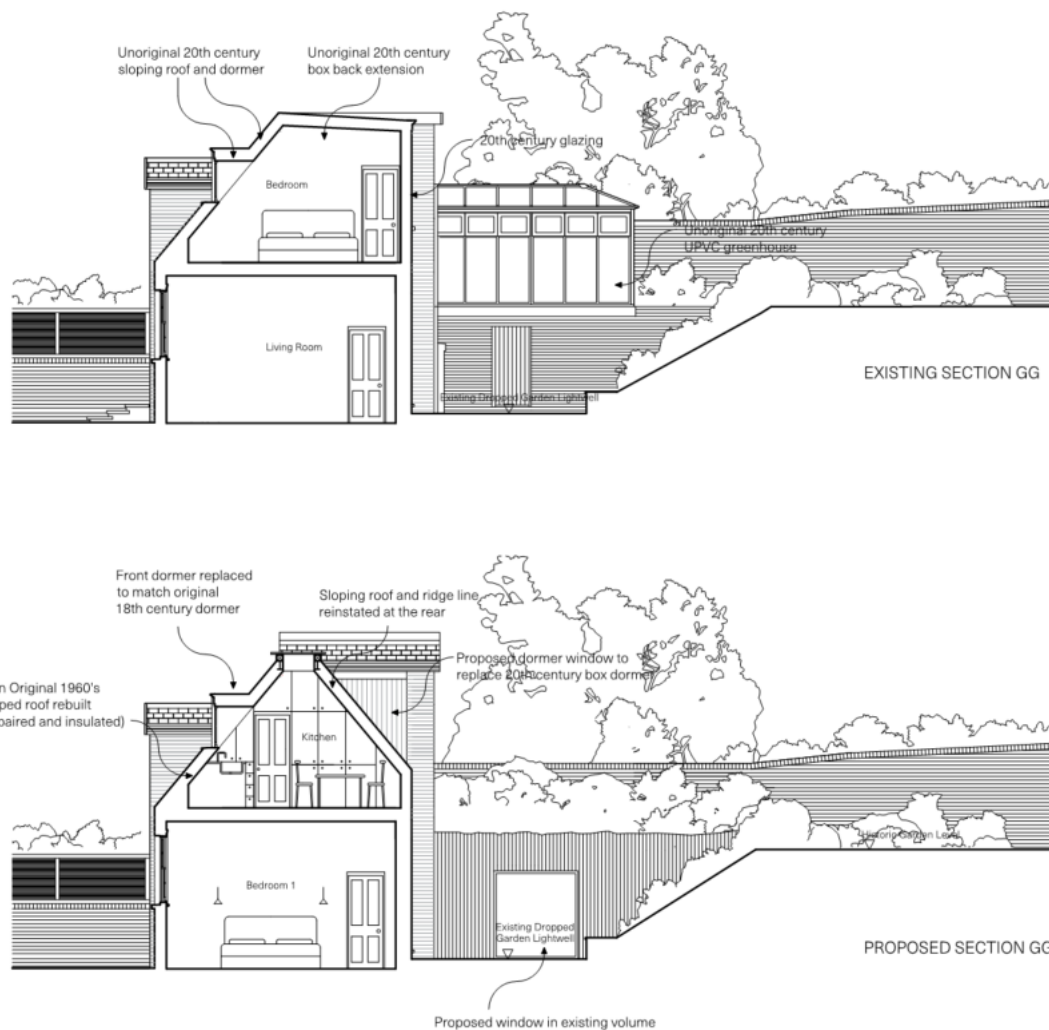


Figure 14. Proposed sections provided as part of applications 2021/3072/P & 2021/3075/L.

4.20 As the approved section above illustrates, only the rear roof slope was to be altered. On the 10th October 2023 the owner provided drawings to reflect the as built situation which included the section below. The section does not show the significant alterations to the front roof slope.

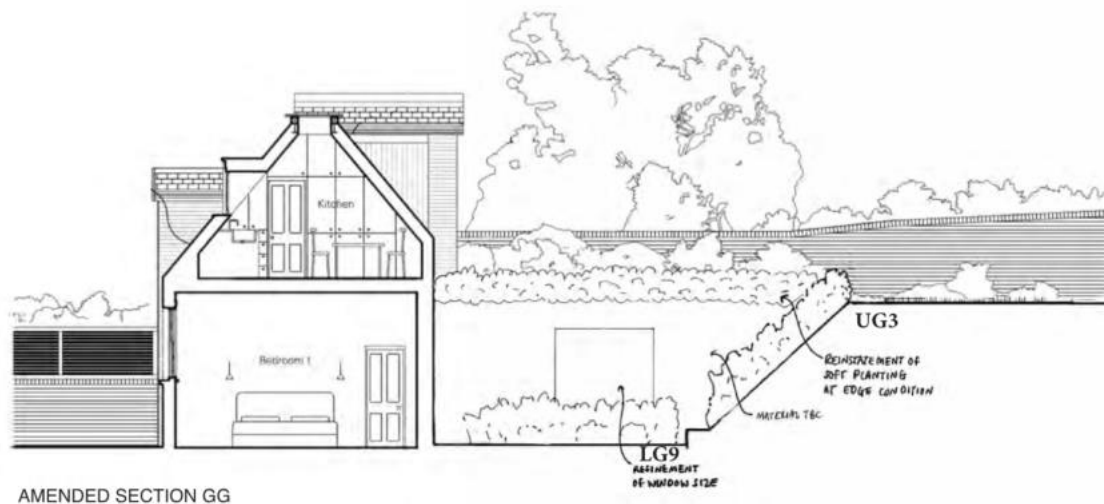
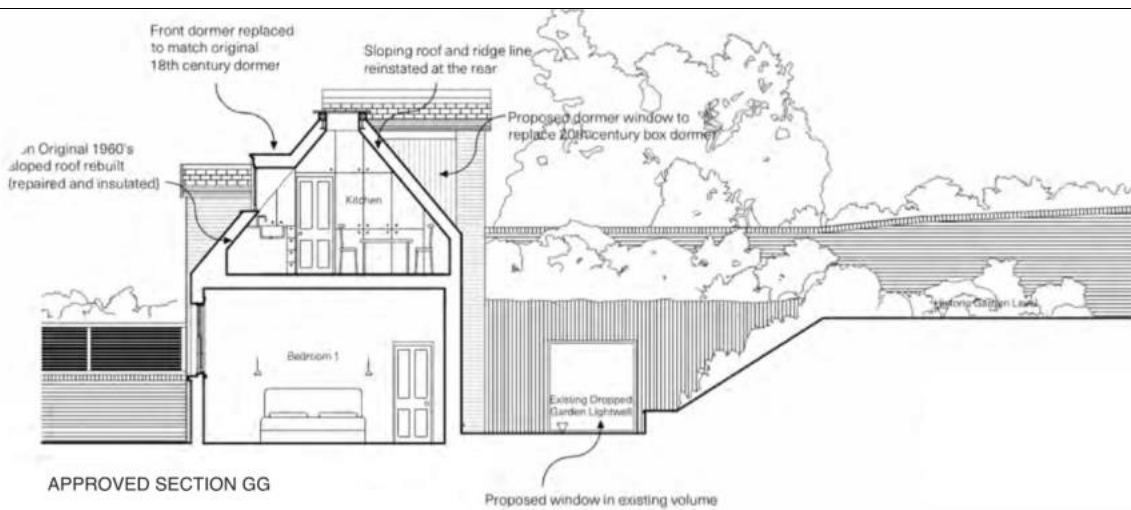
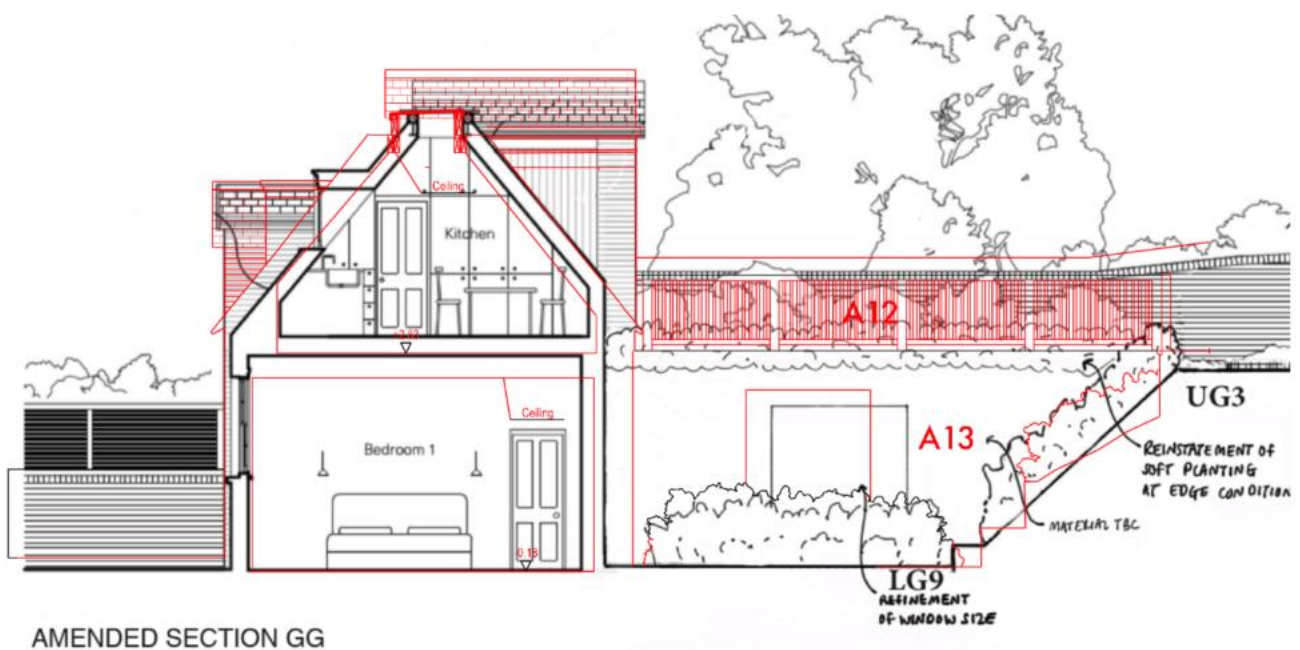


Figure 15. Sections provided by the owner on 10th October 2023 to show the as-built situation which does not show that the front roof has been bought forward.



OVERLAY SECTION GG

Figure 16. As built section GG

- 4.21 In June 2024, the above section at Figure 16 was provided by the owner's agent which shows in red the as built differences that the owner repeatedly failed to show on several drawing sets submitted to the Council throughout their application stage and enforcement investigation.
- 4.22 At no point was consent granted for the removal of any component of the front roof slope other than for the front dormer windows to be replaced. No roof plan has ever been submitted (other than P1.P, the site plan). Given the amount of work carried out to the roof, it is considered that the owners sought to conceal their intentions. Over time, annotations have been added to drawings, but the substantial as-built difference between the height of 109's ridge and that of no.111 does not appear in any consented drawing on the parent scheme 2019/6089/P and 2019/6100/L or the varied scheme 2021/3072/P and 2021/3075/L. Nor does the change in height of the ridge and pitch of the roof between no.111 and no. 113. The substantial bringing forward of the front roof slope, and consequential alteration of its pitch, also do not appear in any consented drawings.
- .
- 4.23 The firebreak upstand as shown in Figure 9 was introduced to the drawings by the misleading means described above by introducing it in the elevation drawing for applications 2021/3072/P & 2021/3075/L with an annotation implying it was to accommodate approved changes as part of the parent applications 2019/6089/P and 2019/6100/L (when these changes were not approved). The firebreak upstand has been built higher than shown on the elevation drawing for 2021/3072/P & 2021/3075/L. It is a strongly inappropriate feature, dividing what was a single building into two very separate ones and dwarfing the chimney breast between the buildings as shown in figure 9 [and figure 17 below].

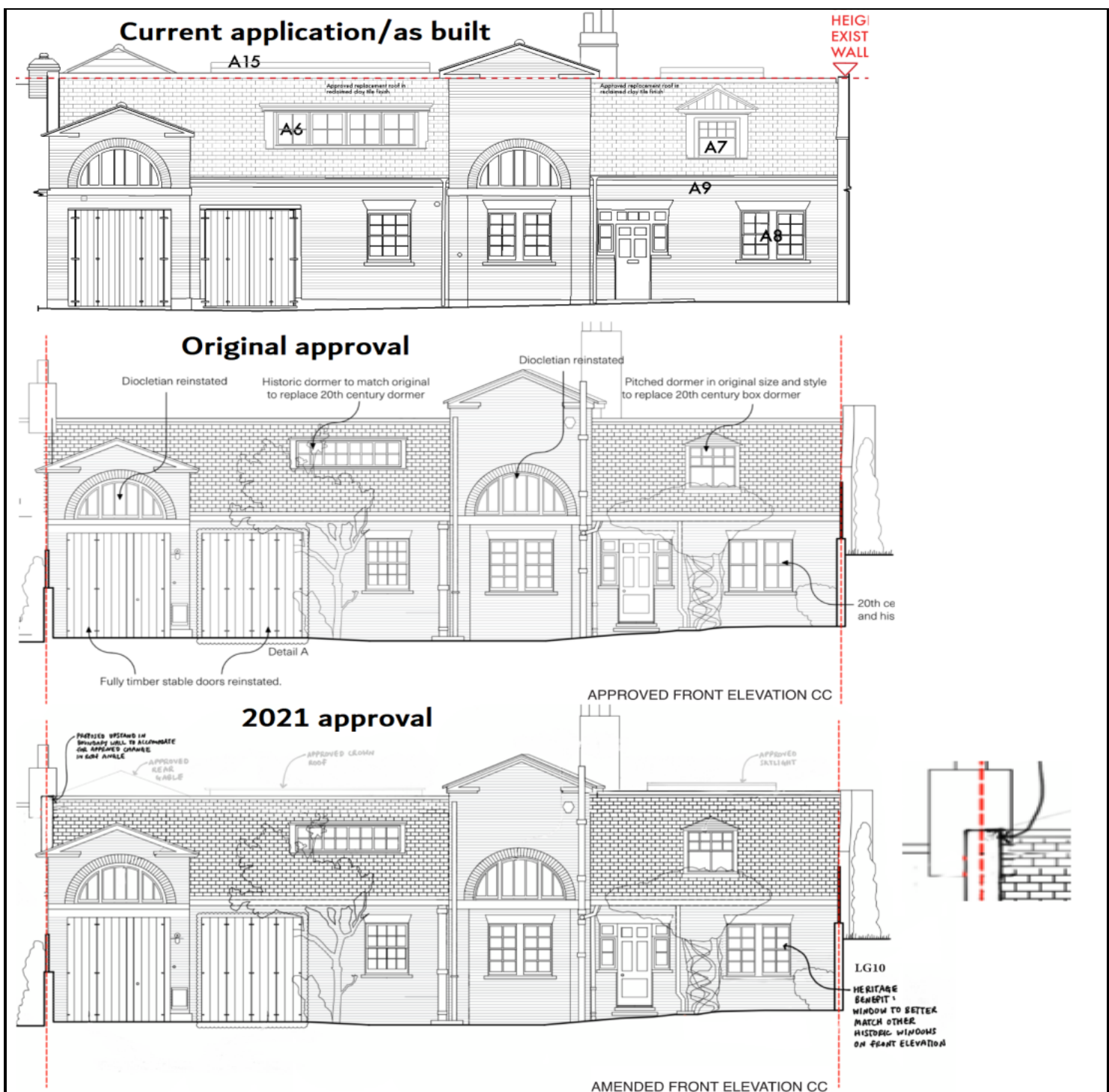


Figure 17. As built elevation showing increased height in firebreak and ridge height as compared to proposed front elevation submitted as part of applications 2019/6089/P and 2019/6100/L and 2021/0409/P and 2021/0406/L

4.24 The roof abutting no.113 has also been substantially altered in pitch. The pre-existing roof stood off the curved capping stones by around two bricks' lengths; it now abuts the capping stones such that the once prominent curved capping stones that added to the aesthetic quality afforded by the dwelling is much less noticeable, being largely obscured by the newly brought forward roof (shown in figures 20 and 21 below). In addition, it was at an approximately a 45 degree pitch, but is now steeper.

4.25 The raising of the ridge height and bringing forward of the roof slope significantly affects the appearance and proportions of the entire listed building, especially its principal elevation. For this reason, the works to the roof could be considered to be at the low end of substantially harmful.

4.26 Central and left hand side pediment

4.27 The central pediment and left hand side pediment (when looking at the building front on) has also been increased in height and its roof and fascia boards replaced (the pre-existing roof tiles appear to have been reused) which was not approved and further compounds the erosion of historical fabric.

4.28 Front elevation (excluding roof)

4.29 Aside from the front dormers and Diocletian windows to the gables, the front elevation was to be largely restored to its former historic appearance. The as built ground floor elevation has been increased in height and the position of the roof eaves has been altered.

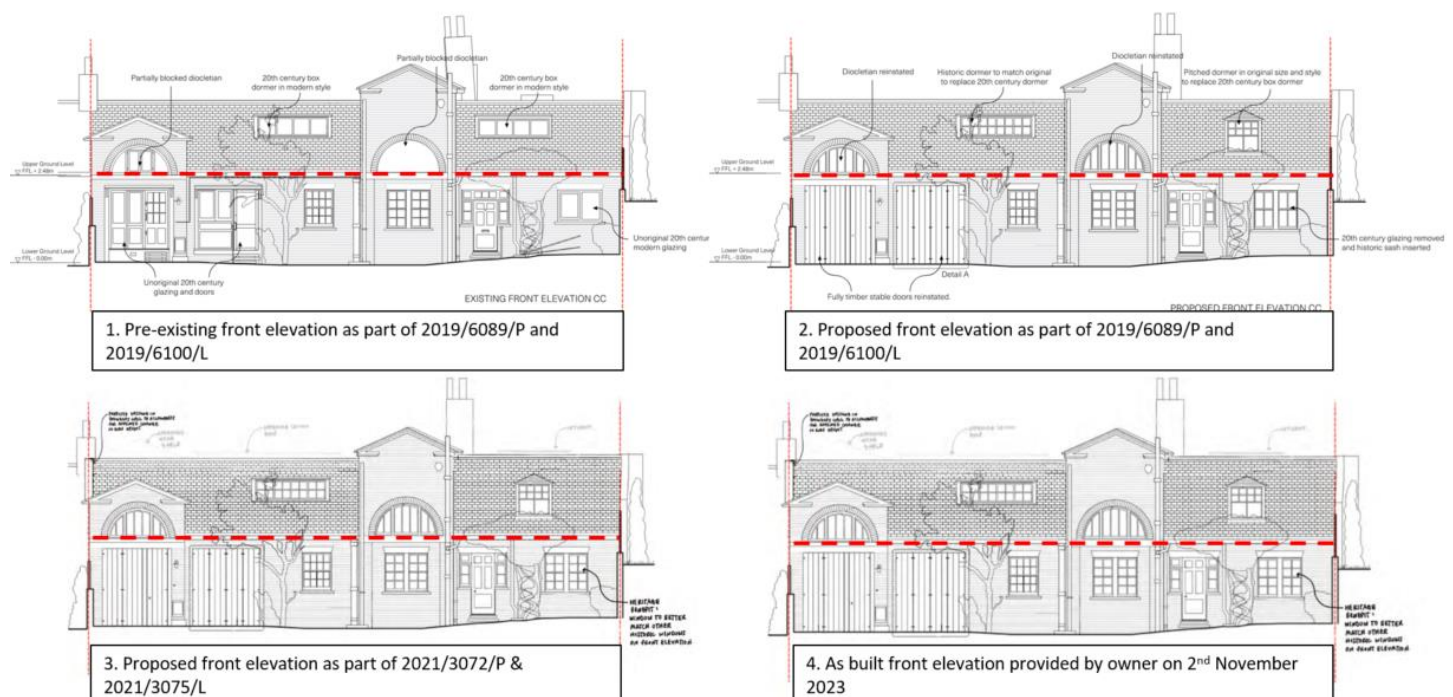


Figure 19. 1. Pre-existing front elevation, 2. Proposed front elevation 2019/6089/P and 2019/6100/L, 3. Proposed front elevation as part of 2021/3072/P & 2021/3075/L, 4. As built front elevation provided by owner on 10th October 2023

4.30 As the front elevations above show, the eaves of the roof have been illustrated as unchanging from the pre-existing elevation through to the as built front elevation provided by the owner on 10th October 2023. The altered position of the eaves was not shown by the drawings provided by the owner until 19th June 2024 as shown below in Figure 1.



4.31 Figure 1. As built front elevation

However the pre-existing site photographs in Figures 5, 6 and 7 and the as built site photograph in figures 20, 21 and 22 show the eaves position has been altered and the height of the ground floor elevation increased, altering the relationship with the lower level of the pediments, as they no longer follow the same line but instead are set apart from each other. This further compounds the erosion of the legibility of what would have been the historic front elevation.



Figure 20. Site photograph showing the pre-existing front elevation and the gap between the top of the front door and eaves of the roof. The red circle shows the relationship between the roof and the end wall.



Figure 21. Site photograph showing the as-built roof on 14th September 2023. This shows the ground floor height has been increased as the position of the eaves of the new roof has altered. The red circle shows the as built position, pitch and height of new roof.



Figure 22. As built front elevation provided by owner on 14th March 2024.

4.32 The Design, Access and Heritage Statement submitted as part of the parent application states the following:

4.33 *Restoration of the Front Elevation*

- 4.34 *The proposal seeks to remove modern glazing and reinstate lost original features from the 18th and 19th century.*
- 4.35 *(1) The non-original casement window and doors in the two stable door openings are proposed to be removed and fully panelled timber stable doors reinstated to match the original material and style. These will act like shutters to frameless glazing behind it, allowing for daylight to come in when the stable doors are open. This will return appearance closer to the historic stable form.*
- 4.36 *(2) The Diocletian windows will be unblocked and modern glazing replaced with timber framed glazing in a Georgian style.*
- 4.37 *(3) The modern dormer windows will be replaced with a historic box dormer and a single gabled dormer to match the historic dormer sizes and forms.*
- 4.38 *(4) The non original 20th century modern casement window will be removed and replaced with a sash window to match the original 19th century sash which it replaced.*
- 4.39 *(5) The pipes to the kitchen will be rationalised and kept to the far north side of the elevation to minimise the impact on the front walls*
- 4.40 *(6) Lastly the disability rails and steps will be removed at the front.*
- 4.41 The approved drawings for the parent application, subsequent variation application, the as-built drawings provided by the owner and those submitted as part of refused applications 2024/0522/L and 2024/0523/P do not show that ground floor elevation would be increased in height with the eaves of the roof changing position. It was not until June 2024 that actual as built drawings were provided which show the as built differences.



Figure 23. As built front elevation showing increase in height to the front elevation.

4.42 Front dormer windows

4.43 The front dormer windows were granted on the basis the pre-existing (non-original) dormers would be removed and two new front dormer windows installed to replicate the historic form of the original dormers utilising what would have been the original openings of the windows. The owner provided a historic photo from 1949 in their parent application which is claimed to have informed the design of the proposed front dormer windows.



Figure 24. Historic photo from 1949 provided by owner in their Design, Access and Heritage Statement.

4.44 Refused applications 2024/0522/L and 2024/0523/P sought to vary condition 2 attached to 2021/3075/L and make a number of retrospective amendments to the development including the size of the front dormer windows. The drawing below shows the approved front elevation at the top and the as built proposed elevation below.



Figure 25. Front elevation provided as part of applications 2024/0522/L and 2024/0523/P



Figure 26. As built front elevation showing the as built front dormer windows in red.

4.45 The as-built front dormers are much larger (approximately 50% larger for the left hand side dormer and 30% larger for the right hand dormer). Both of these enlargements mean that any heritage benefit derived from the reinstatement of the dormers has been compromised.

4.46 The owner's agent in the Heritage Appraisal document submitted as part of applications 2024/0522/L and 2024/0523/P claims the reason for this is insulation. The Council contends insulation could still have been added without the need to significantly increase the size of the dormer windows.

4.47 Rear upper floor extensions, rear dormer window and kitchen crown roof

4.48 The approval featured extensions above the basement in the form of a glazed modern extension, which would spring from an existing modern box-back roof extension. The new extension would be largely glazed, intended to differentiate it as a high quality, modern addition. A missing gabled projection would be reinstated, while the surviving one will be disinterred from within the roof extension. A rear dormer window was granted to sit within the slope of the roof with slim detailing and 9 over 9 windows. A rear dormer window was granted to sit within the slope of the roof with slim detailing and 9 over 9 windows.



Figure 27. Approved rear elevation EE, drawing E2.EE Rev 08 as part of 2021/3072/P & 2021/3075/L

4.49 The as built upper floor extensions appear to be taller than consented. Approved drawings showed the approved upper floor extensions would have some visibility above the ridgeline of the roof to the front. As this report has already deduced, the height of the roof is much bigger than ever consented and the rear upper floor extensions are still visible above the ridgeline which would leave the Council to conclude that the upper floor rear extensions are also taller than consented.

4.50 The as-built dormer is larger and features a substantial brow resulting in a bulkier profile. The approved rear dormer was granted on the basis it was a subservient addition to the rear roof slope and had an appropriate distance between the projections either side to allow those features to stand out as they form part of what would have been the historic fabric. This section of the rear elevation now reads as crowded as the site photograph shows in Figure 29.

4.51 The additional bulk of these extensions when considered with the harmful alterations to the roof further erodes the significance of the listed building and the setting of the adjacent listed buildings.



Figure 28. As built rear elevation



Figure 29. Site photograph showing as built rear elevation.

4.52 Internal Layout

4.53 A number of changes were proposed to the internal layout. For conciseness this section will focus on elements which differ to the as built. The as built south staircase is a straight run and not dogged legged as originally proposed. This is a new staircase and not historical. Other differences include one doorway in a different position instead of two doorways into the bathroom of Bedroom 1. In addition the guest bedroom has been omitted from the upper ground floor. These differences are not considered to harm the plan form of the dwelling.

4.54 External finish to rear courtyard

4.55 The rear courtyard was to feature a mix of lime render finish and two tiled walls. The as built is finished in entirely lime render. This is considered an acceptable finish.

4.56 Rear Landscaping

4.57 The approved scheme featured the original garden level reinstated to conceal the two rear basement extensions by having green roofs, thus mitigating the impact of these extensions on the setting of the listed building. However in both cases, the tight relationship between the ground-floor build-up and the door sills above, has meant that these garden roofs cannot be implemented. The space between the building and the garden is now occupied by a substantial area of hard standing in the form of decking, harming the setting of both. The original garden would not have feature decking.

4.58 A plan submitted as part of refused applications 2024/0522/L and 2024/0523/P featured an annotation on the drawing labelled P2.UG rev 12 that states 'decred terraces approved as part of 2022/1202/P' as shown in figure 30 below.

special architectural and/or historic character that they possess. This amounts to less than substantial harm. As such, the authorised development is considered contrary to policies D1, D2, A1 and A5 of the Camden Local Plan and policies DH1, DH2 and NE4 of the Hampstead Neighbourhood Plan.

6 Neighbouring Amenity

- 6.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, noise, overlooking, outlook and implications on daylight and sunlight.
- 6.2 The authorised development has not resulted in additional extensions or instances of overlooking as such it is not considered harmful to the amenity of neighbouring residents in terms of loss of outlook or daylight.

7 Conclusion

- 7.1 The consented scheme was considered, on balance, to provide an overall heritage benefit to the significance of the host Grade II* listed building by restoring the front elevation to its former historic appearance. Modest rear extensions were granted above and below ground, and the proposals included a number of heritage improvements which included the re-creation of a missing gabled transept and partial reinstatement of the roof pitch to the rear; the removal of the modern rear extension to reveal the full width of the 19th century transept; the reinstatement of traditional dormers to the front elevation; removal of harmful modern glazing and installation of more sympathetically designed windows and doors; and the partial restoration of the original landscaping scheme. This was later varied to include marginal increase to the footprint of the rear lower ground floor extension and upper ground floor extensions and alterations to windows.
- 7.2 As the recent appeal decision (Reference: APP/X5210/Y/22/3308964) in relation to the unauthorised basement works to the property has established, less than substantial harm has already occurred at the property reducing the significance of the listing. As such, implementing the approved consents was essential to restoring the historic appearance of the building particularly in relation to the front elevation.

- 7.3 The owner has provided misleading and inaccurate drawings and information to date. Annotations have been slipped into drawings with claims the ridge height increase to the roof and decking have been approved when they have not. Until June 2024, the as-built drawings provided to the Council were not a true reflection of the situation on site and even these drawings contain inaccuracies such as the front elevation implying the approved ridge height was permitted taller than it was.
- 7.4 Paragraph 198 of the NPPF states that when considering the impact of a proposed development on a heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF goes on to say any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 202, 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 including, where appropriate securing its optimum viable use.
- 7.5 The as-built development has gone beyond the consents given so to be without permission and is considered to erode the special architectural and historic interest of the listed building. As such, historic fabric has been lost and the ability to understand the history of No 111 in particular, and Nos 105- 111 as a whole has been diminished, resulting in reduced significance at Nos 105-111. The works fail to preserve Nos 105 -111 or any features of special architectural and/or historic character that they possess. This amounts to less than substantial harm. There is considered to be limited public benefits, given the works were unnecessary to secure the optimal use and therefore do not outweigh the harm that has been caused.
- 7.6 As such, the authorised development is considered contrary to policies D1, D2, A1 and A5 of the Camden Local Plan and policies DH1, DH2 and NE4 of the Hampstead Neighbourhood Plan.

Recommendation: BREACH OF CONDITION NOTICE

The notice shall allege the following breaches of planning control:

Breach of condition 3 (approved drawings and documents) of planning permission 2019/6089/P for Demolition of non-original extensions including rear box back extension, uPVC greenhouse and boiler house; excavation of rear garden and erection of basement room beneath garden; erection of single storey rear extension at upper ground level and reinstatement of historic sloping roof, rear dormer and gable; replacement front dormer windows; internal and external refurbishment including removal of non-

original partition walls and staircase, alterations to front and rear fenestration and reinstatement of timber stable doors

AND

Breach of condition 3 (approved drawings and documents) of planning permission 2021/3072/P for Variation of condition 3 (approved drawings) of planning permission ref: 2019/6089/P granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, and changes to new window design.

The conditions have been breached in that:

- Height of the main roof ridgeline raised above the pre-existing ridgeline height , altering the pitch of the roof and bringing forward the position of the front roof slope.
- Increase in height of the front elevation so that the eaves position of the roof is higher than the pre-existing eaves position
- Increase in height of the two front gabled projections.
- Front dormers have been built larger and in a different position.
- Rear dormer window has been built larger in size.
- Rear upper floor extensions have been built taller.
- Installation of decking to the roof of the rear lower ground floor projections.

WHAT ARE YOU REQUIRED TO DO:

1. Make the entire development comply with the approved drawings and documents attached to planning permission 2019/6089/P.

OR

2. Make the entire development comply with the approved drawings and documents attached to planning permission 2021/3072/P with the main roof ridgeline remaining at pre-existing height.

PERIOD OF COMPLIANCE: 9 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

a) The cumulative impact of the unauthorised development has harmed the special architectural and historic interest of the listed building, historic fabric has been lost and the ability to understand the history of No 111 in particular, and Nos 105-111 as a whole has been diminished, resulting in reduced significance at Nos 105-111. The works fail to preserve Nos 105 -111 or any features of special architectural and/or historic character that they possess. This amounts to less than substantial harm. As such, the authorised development is considered contrary to policies D1, D2, A1 and A5 of the Camden Local Plan and policies DH1, DH2 and NE4 of the Hampstead Neighbourhood Plan.