

November 2013

# Planning Statement

## 99a Frognal

## London

## NW3

*Demolition of existing dwelling house &*

*erection of a single family dwelling house and associated landscaping*



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# 1. INTRODUCTION

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1.1 This statement is submitted in support of an application for planning permission by Harrison Varma Construction Ltd. 99a Frognal, Hampstead;

1.2 Planning permission is sought for:

*“Demolition of existing dwelling house erection of a single family dwelling house and associated landscaping”.*

1.3 The proposed redevelopment as a single family dwelling has been designed to complement the immediate area which is predominantly residential in character.

1.4 This statement provides the background information on the site and a detailed assessment of the proposals in relation to planning policy and other material considerations, and is set out under the following sections:

- Section 2 outlines the site and its context within the surrounding area
- Section 3 provides an overview of the planning history
- Section 4 provides an outline of the proposals
- Section 5 examines the main planning considerations in relation to the application and makes an assessment of the site context and proposals having regard to the key site history and makes an assessment of demolition against the tests in the NPPF.
- Section 6 draws our conclusions in respect of the proposals

1.5 This application follows the granting of conservation area consent and planning permission for a replacement dwelling house in 2010 and 2011

1.6 These consents are highly material to the assessment and determination of this application and we will refer to these benchmarks during this statement.

## 2. SITE AND SURROUNDINGS

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- 2.1 The site at 99a Frogna1 is occupied by a large two storey family dwelling and set within a plot which was developed in the 1970's.



99a Frogna1

- 2.2 The existing property is in the neo-Georgian style but is of little architectural merit. The building is inward looking and fails to engage with the surrounding gardens.
- 2.3 The existing dwelling has little or no architectural merit, either in its architectural form or detailing.
- 2.4 The existing building is faced by a standard buff stock brickwork and aluminium windows throughout.
- 2.5 The application property is located within the Hampstead Conservation area and within the Frogna1 sub-area.
- 2.6 The Branch Hill/Oak Hill sub-area is located to the north, south and east of the site.
- 2.7 The building is not statutorily listed and has not been identified or highlighted within the adopted Conservation Area Statement.

- 2.8 The site is accessed via a private vehicle driveway which extends from the public highway at FrognaI adjacent to St Dorothy's convent.
- 2.9 This driveway slopes upwards to the application site with the dwelling located some 100m from FrognaI itself. The edge of the driveway is heavily vegetated and provides a feeling of seclusion upon arrival to the house.
- 2.10 The southern boundary of the site is formed by a brick wall, which reaches a height in excess of 3.0m.



*Access to site from FrognaI*





*Private driveway to application site*



- 2.11 Upon arrival into the site, the existing dwelling sits further towards the rear (western end) of the site, with the front garden area forming the setting for the dwelling.
- 2.12 The garden area at the front of the property consists of a lawn, mature and semi-mature trees and vegetation which provides substantial privacy and screening and a sense of visual separation from neighbouring properties.



*Front garden*



2.13 Importantly, due to the variation of ground level across the site, the upper floors of the existing dwelling house are actually positioned at ground level when viewed from the north and south of the property.



*Level changes within the site*



- 2.14 The ground floor of the house consists of the main living areas while the upper floor accommodates bedrooms.
- 2.15 There is a separate building south west of the main house, within which the garage and ancillary staff accommodation are located. The ground floor provides sufficient parking space for two cars (with additional surface parking space within the driveway area) whilst the first floor provides ancillary staff accommodation.





*Garage and staff accommodation*

- 2.16 Adjacent to the garage, steps lead up to the rear garden area located to the side and rear of the existing dwelling. This area is thus at the same level as the upper floor of the house.



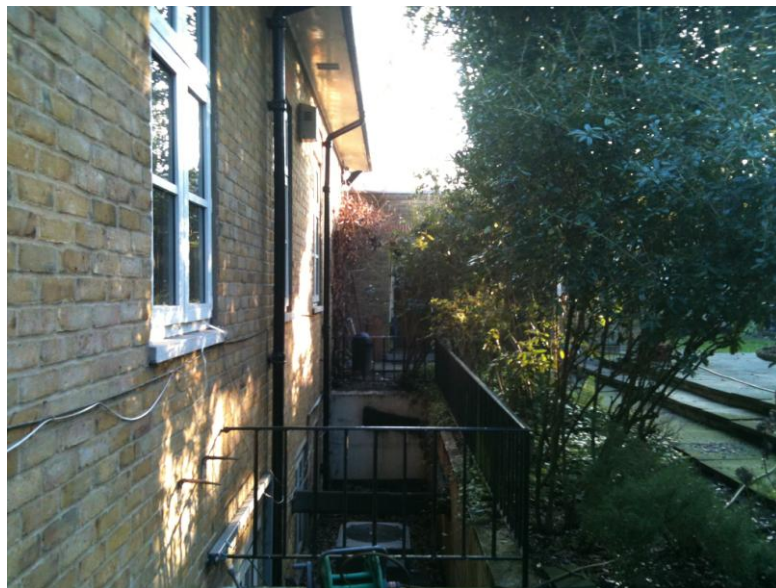
*Raised area to rear of dwelling*

- 2.17 There is a small outbuilding building located in the south west corner and a green house located in the northern corner of this part of the garden.



*Buildings located in the rear gardens*

- 2.18 There is a lightwell located at the rear elevation of the property. The image below highlights the various level changes across the site. The ground level shown below is at the equivalent first floor level of the dwelling house.



*Rear lightwell*

- 2.19 The northern first floor level of the existing dwelling sits close to the northern boundary and has a rounded bay as shown and was a later addition to the property.

- 2.20 Given the level changes within the site, whilst this is first floor internal space, it is immediately adjacent to the level of the rear area of the garden which runs to the rear and side of the dwelling.



*First floor extension*

*(note adjacent ground level at this height)*

- 2.21 The land levels step down from the north eastern corner of the site and into the front garden area, so that the ground floor of the dwelling opens out onto the principal garden area of the site.
- 2.22 The front garden consists of a lawn, mature planting, concrete paving and a pergola as illustrated in the previous image. This part of the site is not visible to the wider public realm.



2.23 Adjacent to the northern boundary the garden level is raised to form a terrace area. This has the effect that this raised level is at the same level as the rear gardens of the properties adjacent to the site to the north, and that the main body of the application site therefore sits lower than properties located to the north.



*Raised terrace area along northern boundary*

2.24 The vegetation and trees around the site provides privacy and a sense of visual separation from neighbouring properties.

2.25 St Dorothy's Convent, a Grade II listed building is located to the east of the site directly fronting Frognaal itself and approximately 60m from the front elevation of the existing dwelling house.

2.26 The existing dwelling is not visible whatsoever from the Convent as a result of the steep incline from Frognaal, the dense vegetation and the positioning of the house at the western edge of the site.

2.27 To the south west of the site is a block of flats of no architectural merit or interest, accessed from Oak Hill Park and sitting behind the dense and high western boundary of the site.



*Block of flats to the rear of the application site.*

2.28 Beyond the southern boundary of the site, lies a substantial detached dwelling accessed from Oak Hill Park. This dwelling is of more unorthodox form, style and design. Small horizontal slot windows at first floor level, slightly above the site boundary wall are at high level to the internal space of this dwelling.



*Adjacent property, south of the site*

2.29 To the north of the site lie detached properties which are accessed via Oak Hill Way. These dwellings are arranged around a cul de sac. The closest dwelling lies 23m from the northern boundary of the site.



*Oak Hill Way property to north of site*

2.30 The site is easily accessible via public transport with the nearest tube station being Hampstead, 350m to the east of the site, served by the Northern line. There are also many bus routes within ten minutes walk of the site. These facilities provide good public transport links and in addition the site can also be easily reached on foot from the surrounding areas.

### 3. PLANNING HISTORY

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3.1 The following is a list of the planning applications relating to the site.

REFERENCE NUMBER	DEVELOPMENT DESCRIPTION	DATE	DECISION
<b>28320(R1)</b>	Erection of a timber boundary fence with wrought-iron gates	18/06/1979	Permitted
<b>28640(R1)</b>	Erection of a separate bedsitter dwelling unit over garage for use as servants quarters.	16/08/1979	Permitted
<b>33209(R1)</b>	Erection of a single storey extension on the north elevation.	21/12/1981	Permitted
<b>9101375</b>	The erection of a building to enclose a swimming pool together with changing room sauna w.c. and exterior plant as shown on drawing numbers 1-5 and as revised by letter dated 30th March 1992.	13/08/1992	Refused
2010/3202/P	<u>Erection of a three storey dwelling house (Class C3) plus basement accommodation following demolition of existing dwelling.</u>	<u>09-07-2010</u>	<u>Granted</u> <u>Subject to</u> <u>a Section</u> <u>106 Legal</u> <u>Agreement</u>
2010/3425/C	<u>Demolition of existing dwelling house (Class C3).</u>	<u>09-07-2010</u>	<u>Granted</u>

3.2 The refused application in 1992 for a swimming pool complex was a large surface built structure which occupied a substantial area of the main garden space of the dwelling. This building was a freestanding structure located adjacent to the eastern boundary of the site, opposite the main dwelling.

- 3.3 The principle of a replacement dwelling house has been established as acceptable by the planning permission and conservation area consent granted in 2010 and 2011.
- 3.4 This sets a series of clear benchmarks and precedents against which this application must be assessed.
- 3.5 There has been no material change in the site circumstances nor the context of the site, surrounding townscape nor neighbouring sites and buildings.
- 3.6 Planning policy remains broadly consistent with that in place at the time of these previous consents.
- 3.7 The notable change is the adoption of the NPPF in 2012. PPS5 in relation to the assessment of heritage issues has now been deleted.



## 4. PROPOSALS

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- 4.1 The aim of the applicant and professional team is to create a modern single family dwelling of exceptional architectural quality and interest upon this secluded and private site.
- 4.2 This will involve the demolition of the current buildings and the construction of a three storey house with single level basement and associated staff accommodation at basement level
- 4.3 The redevelopment of the property will provide for a family dwelling better suited to the site and will offer accommodation that the existing mediocre and dated dwelling cannot provide nor could provide through extension or modification.
- 4.4 The existing dwelling has a GEA of 756sqm
- 4.5 The proposal dwelling has a total GEA of 1,606sqm, (representing a net increase in floor area of 850sqm), of which 650sqm is below ground at basement level.
- 4.6 Given that the net increase falls below 1000sqm, no affordable housing issues are raised by this application.
- 4.7 The aim is to develop a house that sits comfortably within its garden setting and with open space and landscaping flowing around the main building. The central focus of the dwelling will remain the principal garden area.
- 4.8 The dwelling house would comprise of the following accommodation:

<b>Lower Ground floor</b>	<ul style="list-style-type: none"><li>• Leisure facilities including pool and changing rooms</li><li>• Integral garage including space for cycle parking</li><li>• Refuse and recycling storage</li></ul>
<b>Ground floor level</b>	<ul style="list-style-type: none"><li>• Main reception area</li><li>• Formal and informal living/dining areas,</li></ul>

	<ul style="list-style-type: none"> <li>• Family kitchen</li> <li>• Library/ study</li> </ul>
<b>First floor level</b>	<ul style="list-style-type: none"> <li>• 5 bedrooms</li> </ul>
<b>Second floor level (set back lightweight floor)</b>	<ul style="list-style-type: none"> <li>• Master bedroom</li> <li>• Study</li> <li>• outdoor terrace</li> </ul>

- 4.9 The dwelling will be positioned in broadly the same location as the existing dwelling so as to maintain the open garden area.
- 4.10 Following demolition the proposed dwelling will utilise the opportunities provided by the level changes across the site, so as to create a dwelling that sits comfortably within its setting and the site topography.
- 4.11 The main body of the dwelling is a two storey structure. Given the level changes of the dwelling to the side (north) the first floor element is effectively at ground floor level, as per the existing dwelling arrangement.
- 4.12 Atop the main body of the dwelling, a set back second floor is provided with an external terrace area, providing views over the main garden to the east.
- 4.13 The proposed dwelling is no higher than the maximum height of the flat topped hipped roof planes that exists at present.
- 4.14 At ground floor, an integral garage is provided in the same position as existing with space for refuse /recycling facilities and bicycle storage.
- 4.15 A new basement level is proposed beneath the dwelling house to provide leisure facilities including a swimming pool.
- 4.16 This basement level is also located beneath the area of the site currently under the raised garden terraces which are located along the northern boundary.

- 4.17 This allows the creation of new floorspace at ground floor level, above the basement, in the same northerly terrace location. This ground floor living accommodation now opens out directly onto the front garden area and occupies the location where the raised garden terraces are currently.
- 4.18 In effect, the varying levels of the site, allow this new floorspace to be effectively inserted below the upper garden level of the existing terrace.
- 4.19 Above this ground floor area, a new planted terrace will be created, at the same height and in the same location as the existing upper raised garden terrace area.
- 4.20 To the rear (west) a new internal courtyard garden is created and as a result, the proposed dwelling is set significantly further away from the rear boundary than the existing dwelling house and the 2011 consented scheme.
- 4.21 This new terrace will continue to sit well below the height of the existing boundary wall to the properties to the north.
- 4.22 As a result, the proposals maintain the concept of a dwelling set within a landscape surrounding the house but with the principal emphasis upon the focal point of the main garden area and mature trees.
- 4.23 The proposed dwelling is clearly modern in form and design. It is proposed that this will be a house of exceptional quality, detailing and finishing as befits a house at this location.
- 4.24 The new dwelling will offer a crisp and clean series of lines with fine detailing.
- 4.25 The accompanying Design and Access Statement prepared by AD Design Concepts sets out the design rationale in more detail.
- 4.26 Only the finest materials will be used within this scheme including;
- *A light coloured natural stone for the main elevations*
  - *A warm gray / mineral colour for the metal window frame system*
  - *A warm gray / mineral colour for the metal external doors*

- 4.27 Given the nature of the dwelling, the dwelling is fully wheelchair accessible in all regards. A passenger lift serves all floors. All lifetime homes criteria are easily met throughout the new dwelling, and a lifetime homes assessment is submitted with this application.
- 4.28 All mature trees are retained; the main garden will not lose trees. A small laurel bush located to the rear of the dwelling will be removed as will a beech tree along the southern boundary and a cherry tree along the northern boundary. The application is accompanied by a full arboricultural assessment provided by Landmark Trees.
- 4.29 Plant is proposed to be located either internally at basement level whilst a/c units are proposed to be located in a discrete acoustic enclosure in the north west corner of the site. A full noise survey and plant specification accompanies the application to ensure compliance with Camden's standard noise conditions.
- 4.30 Current and emerging planning policy does not require any features over the provision of Code for Sustainable Homes Level 4 and this dwelling will meet this standard.

***Key Differences between proposals and 2011 consented dwelling***

- 4.31 This application proposes similar development principals to that consented in January 2011.
- 4.32 However, the form of the dwelling house has reduced substantially above ground to deliver a dwelling house that has a reduced footprint and massing.
- 4.33 This application has very consciously and deliberately designed the new dwelling house within the parameters of that already approved, and in manner aspects has a smaller, more confined footprint.
- 4.34 In effect, this is a simpler form than that previously consented, and as such as has less of a impact within the site.
- 4.35 The key alteration is a reduction in the depth of the dwelling from front to rear. The dwelling house is effectively "thinner" in that it does not extend as close to the rear (west) boundary as either the existing dwelling house or the 2011 consented replacement house.

- 4.36 This has reduced the footprint of the house, and has allowed for the creation of rear enclosed garden courtyard area.
- 4.37 The 2011 scheme also provided extensions along the southern side boundary adjacent to the boundary of properties in Oak Hill Park. This massing was at ground floor and first floor level and provided (at first floor level) staff accommodation. This element has now been deleted from these proposals, meaning that the proposed house is smaller in scale and massing along the southern boundary than that which has been previously approved.
- 4.38 This area now becomes a new area of rear garden space. Staff accommodation is now provided at half basement level adjacent to the basement car park ramp area.
- 4.39 The Arboricultural Report concludes that these proposal have substantial benefits over the consented scheme and provides greater comfort and security to the retained trees within the site.
- 4.40 The key elements of the proposals remain, these being an exceptionally high quality new home, carefully placed within the landscape. The substantial mature garden area remains the focus of the site and the new home positioned to respond appropriately to this key feature.
- 4.41 Green garden space now flows around all sides of the building, adding to this feeling of a building which sits comfortably within its landscape.

## 5. PLANNING CONSIDERATIONS

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5.1 The scheme proposals involve the demolition of 99a Frognaal and the construction of a new three storey building to provide for a single dwelling house.

5.2 The following section sets out the considerations of the proposed redevelopment of this site in relation to planning policy and guidance under the following headings:

**i) Principle of residential land use**

**ii) Assessment under NPPF (Demolition)**

*Including:*

*-Heritage Assets and their Context*

*-Designated Heritage Assets*

*-Non-Designated Heritage Assets*

*-Further Information*

**-Assessment of Significance**

*-Application Site, Existing Dwelling & Architectural Interest*

*-Conservation Area*

*-Views and Visibility*

*-Setting*

**-Assessment of Impact**

**iii) Trees and landscaping**

**iv) Residential Amenity**

**v) Parking**

**vi) Sustainability**

**vii) Access**

**viii) Basement Impact Assessments**

**i) Principle of residential land use**

5.3 The site is currently occupied by a single family dwelling house within Class C3. Subject to the following planning issues being satisfactorily addressed, the replacement of the existing dwelling house, with another single family dwelling house is acceptable in all planning regards including local, regional and national planning policy and principles.

5.4 There are two principal issues to address before this position is reached, namely,;

1 *the demolition of the existing dwelling house*

2 *the acceptability of the proposed replacement dwelling house.*

5.5 Conservation Area Consent was granted for the demolition of the existing dwelling house in October 2010. Since this time there has been no change at all in the arrangement of the dwelling house, the site, the surroundings or the context of the site in terms of the conservation area.

5.6 However, the NPPF was adopted in 2012. PPS 5 has been deleted and it is in this context that the acceptability of demolition is made below.

**ii) Assessment under NPPF (Demolition)**

*Heritage Assets and their Context*

*Designated Heritage Assets*

5.7 The Hampstead Conservation Area is a “Designated Heritage Asset” as defined by the NPPF.

5.8 The existing dwelling house has not been identified as a “Heritage Asset” as defined by the NPPF.

5.9 99 Frognal is located within the urban and residential suburb of Hampstead. The site lies within the boundaries of the Hampstead Conservation Area which was first designated by the LPA in 1968 as one of the first waves of Conservation Area

designations with subsequent extensions beyond the original central “village” area of Hampstead.

- 5.10 The site is located towards the western extremities of the conservation area and is located within one of 8 identified sub-areas, specifically sub-area 5 “Frognal”, designated as part of the conservation area in 1988.
- 5.11 The site is bounded on its south, north and west boundaries by a continuation of the conservation area, within sub-area 6, “Branch Hill / Oak Hill”.
- 5.12 There are two listed buildings within the vicinity of the application site. These buildings front Frognal at distances in excess of 55-60m from the existing dwelling house at the application site.

99 Frognal

**Location:** (West side) No.99 St Dorothy's Convent

**Street:** Frognal

**Grade:** II

**Reference No:** 798-1-52826

**Date of listing:** Aug 11 1950 12:00AM

**Description:**

Detached house, now a convent finishing school. c1740, partly refaced late C19; late C20 alterations. Brown brick with red brick dressings, moulded brick plinth and pilasters supporting a cornice at 2nd floor level. 3 storeys and basement. Single window entrance front and 3 window return to garden. C20 entrance with canopy. Gauged red brick segmental arches to flush framed sashes with exposed boxing. 1st floor sash above entrance, round-arched with a cast-iron guard. Garden front with central full height canted bay, ground and 1st floor windows altered to French windows, 1st floor with early C19 cast-iron balconies. Parapet with C20 plain cast-iron balustrade. INTERIOR: not inspected. HISTORICAL NOTE: following the Crimean War the house became the Sailors' Orphan Girls' Home and was the home of General de Gaulle and family in 1940-2. Converted to a finishing school 1968.



**Location:** (West side) No.103 Upper Frogmal Lodge

**Street:** Frogmal

**Grade:** II

**Reference No:** 798-1-52926

**Date of listing:** May 14 1974 12:00AM



**Description:**

Coach house to Henry Flitcroft's house Nos 105-111 Frogmal (qv), now semi-detached house. c1745-50, altered early C19 and late C20. Stucco. 3 storeys. 2 windows to Frogmal; main south garden and entrance front 3 windows with 2 storey, 2-window extension. Frogmal front has recessed sash and casement windows with early C19 Gothic and later glazing; 1st floor round-arched with central niche and cast-iron balcony; ground floor central sash flanked by rusticated pilaster strips, round-arched window to right. Entrance on south front, C20, segmental-arched with fanlight, sidelight and half glazed door. 1st floor windows in round-arched recesses. INTERIOR: not inspected. HISTORICAL NOTE: home of Ramsay MacDonald, first Labour Prime Minister, 1925-37; during 1950s the home of Donald Ogden Stewart, American screenwriter and refugee from McCarthyism.

- 5.13 The application site does not lie within a “site of archaeological importance” or an “archaeological priority area”, as set out the LDF.

*Further Information*

- 5.14 No buildings within the site are statutorily listed
- 5.15 The LPA have adopted a “Conservation Area Statement” for this conservation area.
- 5.16 The site and buildings within the site have NOT been identified within this or any other document as being a positive contributor to the conservation area.
- 5.17 A number of buildings within sub-area 5 have been identified as being buildings which make a positive contribution to the character of the area. These are located some distance away from the application site, largely along the eastern side of Frogmal and further to the south of the site. These buildings are identified and scheduled within the Conservation Area Statement.

5.18 Within sub-area 6 there are no listed buildings or buildings which have been indentified as making a positive contribution which are in proximity to the application site. These buildings are identified and scheduled within the Conservation Area Statement.

### **Assessment of Significance**

#### *Application Site, Existing Dwelling & Architectural Interest*

5.19 The dwelling was erected in the 1970s as a speculative development. It is essentially a backland site. In addition to the planning history set out at section 3 of this statement further planning history has some limited relevance.

28320(R1)	99A Frogna N.W.3.	Erection of a timber boundary fence with wrought-iron gates	FINAL DECISION	23-03-1979	Permission
28640(R1)	99A Frogna NW3	Erection of a separate bedsitter dwelling unit over garage for use as servants quarters.	FINAL DECISION	08-05-1979	Conditional
33209(R1)	99A Frogna, NW3.	Erection of a single storey extension on the north elevation.	FINAL DECISION	28-10-1981	Conditional

5.20 The site is invisible from the public realm of Frogna. The dwelling and the site cannot be viewed from within the streetscene. This is largely due to the substantial change in level from the street to the height of the application site.

5.21 The existing dwelling is unremarkable in terms of design, form, styling, detailing and execution. The dwelling does not display any features that could be assumed to be of a traditional form indicative of Hampstead or the more historic pattern of development along Frogna itself.

5.22 Internally, as is to be expected from a dwelling of this age, there are no features of architectural or decorative detailing.

5.23 The materials are standard in all respects and do not present a quality feel or finish.

5.24 The detailing is simplistic, with concrete sills and engineering brick lintels. Rainwater goods run vertically down some of the elevations. Metal work balustrades are again unremarkable and have no ornate or artistic / visual interest. A standard buff coloured brick has been used, with no special mortar bond in evidence. Painted casement aluminium window frames are present throughout.





5.25 The later curved northern addition from 1981 is again unremarkable and displays no significant visual or architectural interest.



5.26 The staff quarters granted consent in 1979 are again of no architectural, historic or visual interest.



- 5.27 As a built form, there are no architectural or historic features which provide any form of positive contribution to the conservation area.

#### *Conservation Area*

#### *Views and Visibility*

- 5.28 The dwelling house is not visible from within the public domain along either Oak Hill Way to the north or Oak Hill Park to the south. The site is very secluded and private.
- 5.29 The site can be viewed from neighbouring residential properties, although again this visibility is highly limited and fleeting between trees.
- 5.30 To the south, the adjacent property within Oak Hill Park, is orientated to face south, thus turning its back (and fenestration) on the application site.
- 5.31 There are no formally identified views into or from the site and assessment of its visibility and presence within the conservation area demonstrates that there is no significant viable impact or contribution to the wider conservation area.

#### *Setting*

- 5.32 The site is somewhat divorced from the pattern of development along Frognal given its backland nature and lack of relationship to and within the Frognal streetscene.
- 5.33 To the south and north of the site are large substantial modern dwelling houses set within relatively (but not substantially large) plots.
- 5.34 To the rear is a group of 1960's flats which are identified within the conservation area as being "*of no great quality in themselves but pleasantly arranged among the grassy slopes and mature trees of the older gardens*".
- 5.35 The listed building of St Dorothy's Convent, is largely invisible from within the site, due to the distance, separation and presence of trees and vegetation within the intervening distance. The building exerts no influence or presence within the application site.

5.36 In any event, a more modern extension believed to date from the 1980's now lies between the original element of the convent and the application site. Behind this extension now lies an area of open garden space in the ownership of the convent.



*Looking south towards St Dorothy's convent from application garden.*

5.37 It is not possible to view the application site from the convent given the level changes and intervening vegetation and trees.

5.38 Similarly the rear elevation of No 103 Frognal is located some 55m from the sites eastern boundary and 88m from the existing front (east) elevation of the dwelling house. The rear garden area of this property climbs to meet the application site along a very small length of its boundary in the north west corner of the site. At this point residential garden meets residential garden over a planted and vegetated boundary.

5.39 The site is located within a wider area of pleasant woodland with dwellings set within their own plots and garden space.

5.40 This is a prevailing character of this part of the conservation area, and it is this spatial arrangement of plots and large dwellings which is prevalent.

5.41 Given the distance of the site from Frognal, the site fits more comfortably within the urban grain of the sites and dwellings which surround it to the north, south and west, whilst openness is maintained between the existing dwelling and the properties along Frognal which sit below the site.

5.42 The existing garden and trees within the site assist in reinforcing the character of the conservation area at this location, both in terms of spatial arrangement and layout and also the role of the trees.

### ***Summary***

5.43 The existing dwelling cannot be considered as a heritage asset of significance, given that it displays no architectural or historic significance in terms of layout, form, detailing, style or use of materials .

5.44 The existing dwelling itself makes no positive contribution to the character or appearance of the conservation area.

5.45 The dwelling has no impact within the public realm of the conservation area, and its role within its immediate setting, i.e. the fleeting glimpses that can be obtained from neighbouring properties also demonstrates that it has no significance within the conservation area.

5.46 The conservation area is of course a Designated Heritage Asset.

5.47 The layout of the site, a large dwelling set within large gardens is an identified character of the area, as are the presence of mature trees and the relationship of the built form within such planted private garden areas.

5.48 The setting of the site has some significance in these terms. There is little or no relationship between the listed buildings fronting Frognaal and the site, other than the sense of distance and openness between the existing dwelling and these properties.

5.49 Thus the applicant has complied with NPPF paragraph 128, in that this statement combined with the description of the site, these planning considerations and the Design and Access Statement has provided information that is proportionate to the significance of the asset.

### **Assessment of Impact**

5.50 Having regard to the assessment of the significance of the heritage assets, the following discussion sets out a review of the application proposals in these terms.

The proposed new dwelling has been formulated having key regard to the heritage assets identified.

5.51 On the basis that the existing dwelling is not a heritage asset in its own right, has not been identified as being such and does not display any architectural or historic interest, it is considered that the demolition of the existing building is acceptable, subject to the following key points of assessment;

- *impact upon the heritage asset of the conservation area*
- *impact upon the setting of the site*
- *impact upon the prevailing characteristics of the conservation area*
- *the quality of the proposed development.*

5.52 The development would replace one dwelling with another. The proposed dwelling has several key characteristics that seek to preserve and enhance the heritage asset significance of the conservation area.

5.53 The dwelling would continue to be located towards the western end of the site, and will utilise the existing level changes within the site. The site coverage of the new dwelling is broadly similar to the existing dwelling. The orientation and positioning of the development would ensure that the focal point within the site remains the large private and secluded garden area.

5.54 The proposal therefore retains the general prevailing urban grain of substantial dwellings set within large plots with landscaped gardens. In terms of layout, form and positing therefore, the proposals preserve the integrity and significance of the conservation area as a heritage asset.

5.55 In terms of massing, the proposal again utilises the level changes within the site. This serves to minimise the presence of the building. The height of the building remains within the maximum height of the existing dwelling, although it is noted that areas of the building will rise above the existing eave height of the dwelling, this increase in mass is not excessive. Nor will it affect the spatial arrangement of the dwelling within the site and its relationships to neighbouring buildings and plots.

5.56 The scale and form of buildings surrounding the application site are varied. These are modern dwellings of no single idiom, style or form. It is an architecturally disparate



grouping of buildings in an architectural sense. It is the spatial arrangement of the plots and the buildings within those plots that is of significance here.

- 5.57 On this basis, the development of a contemporary dwelling within the parameters noted above is acceptable.
- 5.58 The new dwelling is invisible from the public realm and as such, would have no impact upon the streetscape or townscape of the conservation area. We have considered that the development will maintain the prevailing characteristics of the urban grain of this part of the conservation area. Whilst the building can be viewed from a number of private dwellings, there would no harmful impact upon the outlook from these properties into or across the site.
- 5.59 Given the proposed position of the dwelling is broadly in its current location and is of similar height, there no impact upon the setting of the listed buildings to the east of the site fronting Frognaal. The new dwelling maintains the sense of separation and does not encroach upon the significant distances to the rear elevations of these properties. The proposal will have no harmful impact upon the setting of these buildings and their significance as designated heritage assets.
- 5.60 The ground floor accommodation which, as discussed previously, replaces the existing raised terrace areas, does not create a garden level that is different to that which exists at the present time. In the north-east corner of the site, the relationship to the rear garden of 103 Frognaal is not significant altered.
- 5.61 The retention of trees is also a key factor within the development proposal and all significant trees are retained. This matter is addressed elsewhere within this statement, but the retention of these trees and careful landscaping of the garden ensures that the significance that trees make to this part of the conservation area and to the layout of the site and its setting will be positively maintained.
- 5.62 The proposed new dwelling will have an exceptional quality of design and detailing. It is a contemporary form, but this is not out of place within this part of the conservation area. Indeed, there are many examples of free standing modern contemporary dwellings throughout Hampstead and the creation of such dwellings has a history throughout the 20th century in this locality.

- 5.63 The use of a limestone in a building with clean crisp lines will provide a dwelling that sits comfortably within its own plot and will ensure that the building is surrounded by landscape and planting on all sides, but with the focus remaining on the main front garden area.
- 5.64 The proposal will allow for a sense of arrival into the site, across the garden and into the main entrance or garage area. This reinforces the notion of an important dwelling set within its own grounds.
- 5.65 The Design and Access Statement provides further information in respect of the design and form of the dwelling.

### ***Summary***

- 5.66 The proposals will not harm the character or appearance or significance of the conservation area, it will not harm the setting of nearby listed buildings. It will preserve and enhance the prevailing urban grain of the area. The proposals will have minimal impact both within and outside of the site boundaries.
- 5.67 On this basis, the demolition of the existing dwelling is acceptable and its replacement will be of sufficiently high quality.
- 5.68 There would be no harm to the designated heritage asset. On the contrary, the conservation area will be preserved and enhanced by these proposals. On this basis there can be no objection to the loss of the existing dwelling house and will comply with national policy set out in the NPPF, and local policies and guidance set out in the development plan.
- 5.69 The application therefore accords fully with the provisions of Policy DP25.

### **iii) Trees and landscaping**

- 5.70 An arboricultural impact assessment was undertaken by Landmark Trees in support of this application.
- 5.71 This Assessment concludes that the proposal offers a “significant improvement” over the 2011 consent, given that the proposal has been designed upon a reduced footprint.

- 5.72 There is also a net reduction in RPA impacts
- 5.73 Trees will be properly protected during the construction process to ensure that there is no damage.
- 5.74 For more detail on arboricultural matters please see the accompanying assessment.
- 5.75 The design rationale evolved through the relationship between building and landscape. The living areas located on the lower ground floor have been built into the terraced landscape utilising the level change across the site. This provides direct access from the living spaces into the garden.
- 5.76 Every effort will be made to reintroduce traditional surfaces such as natural stone paving or granite setts.
- 5.77 On this basis, the application accords fully with the provisions of Policy DP24.

**iv) Residential Amenity**

- 5.78 The design for the single dwelling is well considered and there would not be any material harm to the residential amenities of adjacent occupiers.

*Visual Privacy & Overlooking*

- 5.79 The trees and vegetation acts as a substantial visual and actual barrier between the property and adjacent neighbours.
- 5.80 St Dorothy's Convent is located some 60m from the front elevation of the existing dwelling house. The existing dense vegetation and trees located in the front garden, coupled with the steep incline from Froggnal, ensures that there would be no overlooking between these properties.
- 5.81 To the southwest of the site is a block of flats. In the current situation there is an element of overlooking from the upper floors of the flats towards the house. These views are at an oblique angle and given a separation distance of 23m to the main house, is considered acceptable. Any windows within the proposed rear elevation of

the new dwelling would be at first floor level, which due to ground levels is effectively at rear ground level. There is a significant planted boundary between these properties, and an acceptable level of amenity is achieved for the new dwelling house.

5.82 In addition, this current application has the effect to significantly set back the rear elevation of the new dwelling further away from this boundary.

5.83 Along the southern boundary sits a substantial detached dwelling fronting Oak Hill Park. There are small horizontal slot windows at first floor level which sit slightly above the site boundary wall. These windows are above eye level at first floor and as such no overlooking can occur between the two properties.

5.84 The proposals include a second floor which is lightweight and set back to provide an external terrace area. This terrace faces east along the main garden area. Given the absence of habitable windows beyond the east and south boundary no materially harmful overlooking issues could arise.

5.85 To the north of the site sits detached properties on Oak Hill Way and the closest rear elevation is located 23m from the boundary of the site at present.

5.86 The proposals will involve the removal of the curved first floor extension, thereby increasing the separation distance between the site and the detached properties north of the site. The separation distance will be increased, as the new dwelling is set further away from this boundary.

5.87 No first or second floor windows are proposed within this northern elevation (only high level windows). This distance coupled with the planting and vegetation along this boundary will ensure that no overlooking will arise.

5.88 The proposals involve the creation of a planted terrace along this northern boundary. This will sit below the height of the existing boundary wall to these properties and will be at the same level of the existing terrace area, to ensure no undue loss of privacy into the rear garden areas of the Oak Hill Way properties.

### *Outlook*

- 5.89 There is already a substantial dwelling located upon this site and as such the replacement dwelling will have little or no impact upon the outlook of any neighbouring property.
- 5.90 As discussed previously the substantial dwelling to the south, has its orientation away from the site. There are no windows that derive an outlook over the site.
- 5.91 This application proposes a reduced massing adjacent to the southern boundary, over the consented scheme. Instead of a staff accommodation unit being provided at this level, the first floor area is reduced in size and additional garden space provided in this zone.
- 5.92 The properties to the north are sufficient distance from the proposed dwelling so as to have no impact. The new dwelling is pulled in away from this site to give a greater degree of separation.
- 5.93 The flats to the west of the site already have an outlook over the site at higher level. Their outlook would be largely unaffected.
- 5.94 The retention of the mature garden trees will ensure that outlook and visibility of higher level tree crowns would be maintained.

### *Noise*

- 5.95 Plant and machinery is to be contained within the basement of the new dwelling whilst the air conditioning units are to be located in the north west corner of the site. These areas will be acoustically treated to ensure that whilst they can be naturally ventilated, the noise and vibration from the units within these areas does not exceed the permitted noise levels.
- 5.96 A full environmental noise assessment has been carried out by Acoustics Plus which is included in the application submission, and clearly demonstrates that plant will operate some way below the prevailing background noise levels, and thus will comply with Camden's standard noise conditions.

5.97 The demolition and construction stages will be carefully managed to ensure that noise and disturbance to neighbouring properties is kept to a minimum.

5.98 On these assessments the application accords fully with the provisions of Policy DP26 and DP28

*Refuse and Recycling*

5.99 A dedicated enclosed refuse storage area is located within the integral garage area. This storage area will provide sufficient space for both recycling and refuse for the dwelling in accordance with Council standards and Policy DP26.

**v) Parking**

5.100 The site has a PTAL of 2 at the site entrance, and therefore has low accessibility.

5.101 In this case, the existing property benefits from an off street driveway which provides parking for a notable number of cars and a garage which provides parking for 2 vehicles.

5.102 The proposal provides spaces for 3 vehicles. The proposals do not increase the parking provision on the site. Given the distance from the street, on street parking for visitors is not a practical option.

5.103 In this case regard must be had to the existing arrangement at the site and the fact that this an application to replace 1 dwelling with 1 dwelling.

5.104 There is NO REASONABLE or LEGITIMATE position for the LPA to consider car-capping at this site.

5.105 There is secure storage space for 4 bicycles located within the garage area.

5.106 The existing vehicular access into the site from Frognaal will be retained and unchanged. There are no proposed boundary changes to the entrances.

5.107 The property has full legal rights of way and access rights over the shared element of the access road adjacent to the junction to the highway at Frognaal.

**vi) Sustainability**

5.108 A Sustainability Statement, prepared by Metropolis Green has been submitted as part of the application documentation.

5.109 The Statement set out that the proposal has been tested against the Code for Sustainable Homes and that this pre-assessment demonstrates that the dwelling will reach Code 4 in line with Policy DP22 and DP23

5.110 The proposal also demonstrates that they can score above the minimum requirements for Energy, Water, Materials.

**vii) Access**

5.111 The LPA currently require that all new housing will be accessible to all and should be built to Lifetime Homes standards. The new dwelling has been designed to be accessible and in accordance with lifetime standards as indicated in the Design and Access Statement.

5.112 Given the nature of the dwelling, the dwelling is fully wheelchair accessible in all regards. A passenger lift serves all floors. The ground floor offers level access both through the main reception and are and via the integral garage. Policy DP29 has therefore been complied with.

**viii) Basement Impact Assessments**

5.113 A fully detailed BIA has been prepared by GEA and accompanies this application.

5.114 It is important to note that full boreholes, penetration tests, and trial pits have been carried out within the site boundary to inform this BIA.

5.115 Also pertinent to this assessment is that the 2011 scheme also proposed a significant basement albeit of a smaller scale. The basement proposed by this application is larger in its extent but has been subjected to the tests set out by the LPA, whereas this previously consented basement was not.

5.116 The BIA was carried out in accordance with the provisions of CPG 4.

5.117 The GEA report sets out that;

*“The BIA has not indicated any concerns with regard to the effects of the proposed basement on the site and surrounding area”.*

5.118 The application accords fully with Policy DP27 and the guidance within CPG4.



## 6. CONCLUSIONS

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- 6.1 The 2011 consent for a replacement single family dwelling house sets clear precedent and benchmarks against which this application must be assessed.
- 6.2 The proposal has followed the parameters of footprint and massing of the consented scheme accepted by the LPA as preserving and enhancing the character and appearance of the conservation area.
- 6.3 The application has assessed the prevailing heritage assets of the site and its surroundings and their significance.
- 6.4 The existing dwelling is of no architectural merit or interest. It has no significance as a heritage asset.
- 6.5 The proposal maintains a large dwelling set within a large plot. The urban grain of the area is maintained by this proposal.
- 6.6 The new dwelling would sit comfortably within its own plot, with surrounding gardens and landscaping. Important trees are retained so as to preserve and maintain the character that trees bring to the area.
- 6.7 The new dwelling maintains and reinforces the character of the designated heritage asset in terms of the conservation area..
- 6.8 The new dwelling would be of exceptional quality, detailing and finish, using high quality materials, and reinforcing the long traditional of modern bespoke dwellings that can be found across Hampstead.
- 6.9 The new dwelling would cause no material harm to the residential amenity of any neighbouring property.
- 6.10 A full range of sustainability and energy efficiency measures are included within the scheme.

6.11 The dwelling and site are fully accessible to all potential future occupiers in terms of lifetime homes and wheelchair accessibility