

<b>Address:</b>	99A Frognal London NW3 6XR	
<b>Application Number:</b>	2010/3202/P	<b>Officer: Gavin Sexton</b>
<b>Ward:</b>	Frognal & Fitzjohns	
<b>Date Received:</b>	15/06/2010	
<b>Proposal: Erection of a three storey dwelling house (Class C3) plus basement accommodation following demolition of existing dwelling.</b>		
<b>Drawing Numbers:</b>  Location Plan; Site Plan; E-SS; E-S-W-D; E-N-E-D; E-P-S-D; E-S-W revA; E-N-E revA; E-P-S; E-BB-5; PP-S; PP-B; PP-LG; PP-UG; PP-R revA; PE-S-W; PE-N-E; PS-A-B; Letter Dated 14/06/2010 By Anstey Horne; Structural Strategy Report Dated May 2010 By Fluid Structures; Arboricultural Impact Assessment Report Dated 4th June 2010; Environmental Noise Assessment Dated June 2010 By Acoustic Plus; Sustainability & Energy Statement Dated May 2010 By KUT; Desk Study Report, ref J10088, by Fluid Structures dated May 2010; Letter from Rachel Sandrook (Fluid structures dated 20th August 2010); Tree constraints plan (March 2010); Arboricultural Impact Assessment (Upper Ground Floor) Rev A;		
<b>RECOMMENDATION SUMMARY: Grant Planning Permission</b>		
<b>Related Application Date of Application:</b>	15/06/2010	
<b>Application Number:</b>	2010/3425/C	
<b>Proposal: Demolition of existing dwelling house (Class C3).</b>		
See schedule above		
<b>RECOMMENDATION SUMMARY: Grant Conservation Area Consent</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Harrison Varma Services Ltd C/O Agent	The London Planning Practice 61 Chandos Place London WC2N 4HG	

## ANALYSIS INFORMATION

Land Use Details:										
	Use Class	Use Description							Floorspace	
Existing	C3	Dwelling House							513m²	
Proposed	C3	Dwelling House							1348m²	
Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette					1				
Proposed	Flat/Maisonette						1			

Parking Details:	
	Parking Spaces (General)
Existing	2
Proposed	2

## OFFICERS' REPORT

**Reason for Referral to Committee: Clause 3(v) involving the demolition of any building in a conservation area**

### 1. SITE

- 1.1 The site is a backland site set at the end of a long steep driveway which rises from an entrance beside the Grade II listed St Dorothy Convent on Frognal. The existing dwelling adjoins single family dwellings on Oak Hill Way and Oak Hill Park, and the substantial 7-storey residential flats at Northwood House.
- 1.2 The site itself slopes upwards towards the rear (West), with the result that the first floor is at garden level to the rear of the dwelling. The house is situated in a mature landscaped garden setting to the East, with a raised terraced area along part of the North boundary. Mature trees of varying quality ring the property and provide a substantial buffer between the dwelling and the convent land to the East. Along the south boundary, a high wall separates the property from the rear of residential properties at Oak Hill Park and Park Mews.
- 1.3 The existing house is recognised as neutral in its contribution to the Hampstead conservation area, within which it lies. It does not have street presence, and is only visible from local residences.

### 2. THE PROPOSAL

- 2.1 The proposals seeks to demolish the existing 2-storey dwelling and garage block with ancillary residential accommodation above, and replace it with a 3-storey plus basement dwelling, also with ancillary staff accommodation.

### 3. RELEVANT HISTORY

- 3.1 The existing dwelling probably dates from the late 1960s.
- 3.2 1979: Granted: Erection of a separate bedsitter dwelling unit over garage for use as servants quarters.
- 3.3 1981: Granted: Erection of a single storey extension on the north elevation.
- 3.4 1992: Refusal of permission for erection of a building to enclose a swimming pool, changing room and sauna. The reasons for refusal were threefold: i) impact of structure on Conservation Area, ii) impact on setting of neighbouring listed buildings, iii) loss of trees in garden.

### 4. CONSULTATIONS

#### Statutory Consultees

##### English Heritage

- 4.1 This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.  
*“As the land appears to have been undeveloped until it was enclosed as part of the gardens of Frogmal House no archaeological assessment is required.”*

##### Redington/Frogmal Conservation Area Advisory Committee

- 4.2 ‘No objection’.

##### 4.3 Local Groups: Heath & Hampstead Society

- Not opposed to demolition of existing house.
- New house is acceptable architecturally.
- New double basement is not acceptable. Site is notably unstable. Basement would need to be excavated into or through Bagshot sands overlying clay.
- Dangers of subterranean disturbance and interference with ground waters exist.
- Submitted structural report is desktop study only.
- Hydrogeological study should be undertaken.
- Proximity of excavations to boundary and impact on trees are of concern

##### 4.4 Adjoining Occupiers

	Original
<i>Number of letters sent</i>	24
<i>Total number of responses received</i>	10
<i>Number of electronic responses</i>	1
<i>Number in support</i>	0
<i>Number of objections</i>	10

4.5 Letters of objection were received from residents of 5 and 7 Oak Hill Way, St Dorothy's convent, on behalf of Martlett, Falcon, Northwood and Oak Hill Lodges and Merlin House, 1, 5, 7, 9, 10 Northwood Lodge in respect of the following:

4.6 **Amenity**

- Residential amenity would be adversely affected by overlooking and external lighting to northern elevations.
- Scope for overlooking into garden, swimming pool (use of which requires privacy) and dwellings to North
- North facing section of terrace should be removed and north face of east terrace screened
- Court at lower ground level near boundary raises concerns about noise, kitchen smells and lighting.
- Cooling plant in NW corner of site could disturb residents. Details should be submitted.
- Existing security lighting on terraces raises concern about future intrusive light pollution. Condition should be added to avoid amenity issues for neighbours.
- Condition should be added relating to development impact on neighbouring garden, pool and property.
- Building activities will cause a loss of valuable flora and disrupt wildlife in immediate vicinity
- Range and scale of building activities are excessive and will cause considerable noise nuisance to Convent
- Impact on outlook and views from Northwood Lodge Views
- Noise and dust disruption to residents

4.7 **Transport**

- Construction traffic across land owned by convent would be to detriment of Convent and flora within immediate vicinity.
- Frognaal already has too much traffic

4.8 **Design**

- Design is wholly out of accord with the character of the CA and is exceptionally intrusive
- Replacement of existing dwelling with a contemporary rectangular/cubic structure will degrade Conservation Area
- Contemporary property is out of character and has no place in this locality and neighbourhood
- Existing height and footprint should be retained
- Staff accommodation much higher and larger than existing, abutting Oak Hill Park

4.9 **Other concerns**

- Strong likelihood of impact of excavation on ground water flow and Convent (on lower land).
- Would allow old trees to be felled
- Double basement may damage foundations of garages and upset water table

- All trees on neighbouring estate have TPOs and all trees on application site should be protected likewise
- Overdevelopment of site
- Structural damage to nearby buildings
- Site at boundary is potentially unstable and basement could upset water table causing serious damage to garage block at Northwood

## 5. POLICIES

### 5.1 Replacement Unitary Development Plan 2006

SD1D Quality of life (Community Safety)  
SD2 Planning Obligations  
SD6 Amenity for Occupiers and Neighbours  
SD7 Light, Noise and Vibration Pollution  
SD8 Disturbance  
SD9 Resources and Energy  
H1 New Housing  
B1 General Design Principles  
B6 Listed Buildings  
B7 Conservation Areas  
N5 Biodiversity  
N8 Trees  
T1 Sustainable Transport Space  
T2 Capacity of Transport Provision  
T3 Pedestrian and Cycling  
T12 Works Affecting Highways

### 5.2 Other Relevant Planning Policies/Guidance

**Guidance Note: New Basement Development and extensions to existing basement accommodation Feb 2009.**

### LDF Core Strategy and Development Policies

5.3 The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

CS1 - Distribution of growth  
CS5 - Managing the impact of growth and development  
CS6 - Providing quality homes  
CS11 - Promoting sustainable and efficient travel  
CS13 - Tackling climate change through promoting higher environmental standards  
CS14 - Promoting high quality places and conserving our heritage  
CS15 - Protecting and improving our parks and open spaces and encouraging biodiversity

CS16 - Improving Camden's health and well-being  
CS17 Making Camden a safer place

DP2 - Making full use of Camden's capacity for housing  
DP16 - Transport implications of development  
DP17 - Walking, cycling and public transport  
DP21 - Development connecting to the highway network  
DP22 - Promoting sustainable design and construction  
DP23 - Water  
DP24 - Securing high quality design  
DP25 - Conserving Camden's heritage  
DP26 - Managing the impact of development on occupiers and neighbours  
DP28 - Noise and vibration  
DP29 Improving access

## 6. **ASSESSMENT**

6.1 The proposals involve the demolition of the existing two storey dwelling, with ancillary accommodation and its replacement with a two storey plus basement dwelling, also with ancillary accommodation.

6.2 The principle considerations are:

- principle of demolition and design of replacement
- quality of accommodation
- basement considerations
- landscaping impact on trees
- amenity of neighbours
- transport
- sustainability

### **Demolition: principle and design of replacement**

6.3 The existing building is finished in brick, with a pitched crown roof and a 2-storey curved bay facing the primary (garden) elevation. The existing dwelling has been extended since its construction, with a curved wing added on the North side reaching almost to the boundary.

6.4 The dwelling has limited design merit and details such as uPVC windows and inferior balcony ironwork detract from its appearance. The building can only be viewed from adjoining private dwellings, being far removed or screened from any public vantage points. The adjoining garage and servant's quarters are similarly of limited design value. As such, the building makes a neutral contribution to the Conservation Area and therefore a comprehensive PPS5 assessment of the justification for its demolition is not required and the principle of demolition is acceptable subject to an acceptable replacement.

6.5 The proposal is for a replacement dwelling in a terraced villa form, expressed at ground and first floor levels by large glazed areas faced in limestone with a large East-facing first floor balcony. A recessed upper level of accommodation is set back within a surrounding terrace under the bronze clad shallow pitched roof. This upper floor would comprise areas of glazing and solid, with fixed and moveable

timber louvers. The materials would be high quality with bronze and glass detailing and a condition would be added seeking samples of materials prior to development.

- 6.6 To the South side, an entrance porch finished in glazing with metallic mesh between the laminated glass panels would provide a contemporary addition to complement the design approach. The structure would exhibit varying degrees of opacity depending on the angle of viewing.
- 6.7 The proposed building line would not encroach significantly the main garden setting to the East. Excavation approximately 3m deep into the raised levels around the existing dwelling would provide a new garage and residential rooms to the rear (West) and kitchen/family accommodation to the North-East, all at the same level as the existing ground floor. The non-original extension on the North wing at upper ground level would be removed, and replaced by a landscaped area above the new kitchen wing below, at the same level as the existing landscaped terracing. The removal of the north extension would restore the 9m separation between the dwelling and the boundary with the properties at Oak Hill Way.
- 6.8 The new staff accommodation replaces an existing single storey garden building on the South West boundary of the site. It would abut a much taller building at 4a Oak Hill Park. The additional height of the staff flat is unlikely to have any significant impact on local residents outlook or views within the Conservation Area and is acceptable.
- 6.9 Overall the design approach is interesting and imaginative, on a comparable scale to the existing above-ground dwelling but which provides depth, shadow and visual interest. The dwelling would be set in a location which has limited visual impact on the Conservation Area and is acceptable. The dwelling would be suitably far removed from the neighbouring listed buildings to have negligible impact on their setting. It is considered that the proposed dwelling maximises the space on the site and further additions should be resisted without recourse to planning. Therefore the permitted development rights for additions to the property would be removed by condition.

#### **Quality of accommodation**

- 6.10 The proposed scheme provides for an increase in habitable floorspace by introducing roof level accommodation, a basement and new living quarters excavated into the raised landscape which skirts the existing house. The proposed dwelling peaks at broadly the same height as the existing.
- 6.11 The single family dwelling would be substantial in size and would provide a high quality of amenity to occupiers. The two person ancillary staff flat would provide an acceptable standard and size of amenity for the occupiers. Access to the flat is primarily via a terrace on the main dwelling although there is secondary access via the garage below. It is considered that the flat is highly unlikely to be used as an independent dwelling.

#### **Basement**

- 6.12 A new basement would be added under the new dwelling to include a swimming pool and space ancillary to the main dwelling. No bedrooms or primary habitable rooms would be located in the basement.
- 6.13 The basement would extend outside of the existing dwelling footprint and would be approx. 4.5m below existing ground floor level across the majority of its floorspace but approx 5.8m deep for the extent of the pool footprint. Due to the topography of the site, much of the basement would be located below the newly excavated areas of accommodation to the North and West which gives the basement the appearance of a double depth structure, although it is only one storey below garden level.
- 6.14 The external manifestations of the basement would be limited to a single skylight within the building envelope and a stepped access route via the front garden. Neither is considered to have detrimental impact on the host building or the character and appearance of the Conservation Area.
- 6.15 The proposals are deeper than the 3m recommendation of the basement guidance but would be approx 10m from the nearest above-ground structures (garages at the rear of Northwood Lodge) and 25m from the nearest residences at Northwood Lodge and 7 Oak Hill Way. The applicant has provided a desk study report by a geotechnical engineering firm which examined survey results from a site 100m North of the application site. Neither Frognaal, Oak Hill Park nor Oak Hill Way is identified in the basement guidance as being locations of surface water flood risk nor does the Environment Agency identify it as a location at risk of flooding. The report factors in the potential presence of Bagshot Formation and concludes that the proposed development would not have a material impact on the existing water table or on neighbouring properties and that the water table will have no impact on the proposed basement structure itself.
- 6.16 A structural strategy report also accompanies the submission. The report identifies that the variable site levels and boundary conditions present a challenge to the construction process; however, a key consideration of the design approach to the basement will be to minimise the impact on the existing boundary walls. It recommends that a ground investigation take place to verify below ground conditions as would be standard practice for such as development. The report also identifies a possible risk of rainwater run-off during the works, and sets out that the works contractor may need to allow for groundwater pumping during the excavation. Control of the site conditions during construction would be a matter for control under the Building Regulations.
- 6.17 The dwelling is set some distance apart from the nearest residential properties. In the immediate vicinity of the proposed basement the only known impediment to local subterranean water flow is the shallow box of the nearby swimming pool at the rear of 7 Oak Hill Way. It is considered that the location of the basement would allow underground water flow, should it be present, to divert within the undeveloped ground space around the perimeter of the site. The structural report acknowledges the presence of the nearby neighbouring swimming pool, and factors this into the future design approach.



- 6.18 The relationship between the basement and trees on site is examined below. It is considered that the proposals have been submitted with sufficient information to demonstrate that the development has taken account of the stability of neighbouring buildings, the risk of flooding, harm to neighbouring amenity and the character and appearance of the Conservation Area, in accordance with policy DP27. Overall, the basement proposals are acceptable in the context of the site specific considerations.

### **Trees and landscaping**

- 6.19 A key motivation for the layout and arrangement of the new dwelling is to maximise the amenity benefit and outlook derived from the mature garden, which is not well embraced by the existing house. The new family wing to the North and the extensive glazing on the terraced area to the East would achieve this without significantly reducing the overall area of landscaping in the garden.
- 6.20 An Arboricultural Report and Implications Statement has been provided. Three trees are identified for removal as a consequence of the proposals; however, their removal will not impact significantly on the character of the site and its surroundings. Some minor works will be required to a Norway Maple to accommodate the building, and a Persian Ironwood is likely to be pollarded to counter the effects of construction close by and to reform a crown/screen to the garden beyond. Further trees beyond the site are suitably far removed that the basement works are not considered to have a significant impact on retained trees.
- 6.21 The layout of the proposed additions preserves the garden character of the site by maintaining the garden area and the mature tree canopy at the front of the site. The new structures mimic the existing terraced garden approach at the rear and side of the property by providing terraced planting areas on the roof structure which has the effect of retaining the degree of landscaped and planted form on site. A condition would be added requiring the approval of a method statement for the protection of trees to be retained on site and the submission and approval of hard and soft landscape details.

### **Amenity of neighbours**

- 6.22 The submitted daylight/sunlight report sets out that the likely impact of the new building on any neighbouring properties will be absolutely minimal and of no material consequence. This assessment is considered to be sufficiently accurate.
- 6.23 There are no terraces on the existing dwelling. The new dwelling would introduce an East-facing balcony at first floor level and a terrace on all four sides at second floor below the new roof. The first floor balcony would be below existing boundary walls to the North and it would be sufficiently far (14 to 16m) from the boundary to the South that no overlooking would be introduced. Additionally the nearest dwellings to the south have small slot shaped rear windows which would protect the privacy of occupants.
- 6.24 The proposed terrace at second floor has given rise to concerns from neighbours. Although the terrace wraps around the building in its entirety, the focus of the terrace is clearly to the East and the North. South and West elements are too narrow for general terrace use and are provided primarily for maintenance

purposes. The habitable rooms in the rear of 7 Oak Hill Park would be approx 32m from the terrace, and so it is considered that the privacy of occupants of the dwellings to the North would not be significantly affected. However, users of the terrace would be able to look North into the rear gardens of Oak Hill Way from the raised vantage point.

- 6.25 At its nearest point, the terrace is approx 11m from the boundary wall with 7 Oak Hill Park and approx 13m minimum from the swimming pool. Whilst it is clear that the users of the swimming pool may prefer to have complete privacy, it would not be considered reasonable to require the applicants to install a privacy screen on the terrace to prevent overlooking of neighbouring rear garden activities. However, in response to concerns the applicant has amended the terrace accessibility to include a barrier set below the level of the terrace balustrade which would prevent the users from approaching the Northmost part of the terrace. This is considered to be satisfactory to ensure protect the privacy of neighbours and would form the basis of a condition for provision and permanent retention. A barrier is also indicated on the South side of the terrace, however the opportunities for overlooking from this side are limited and it is not considered necessary to condition this second barrier.
- 6.26 The development includes a plant room in the north east corner of the site. The proposed Plant is set to operate twenty-four hours a day. Given the residential environment, this provides the potential for residents being affected by noise. However, within the Acoustic Report the overall Sound Pressure Level at the nearest Noise sensitive premise which is approx 25 metres away will be well below the background noise level, and therefore reduce the likelihood of noise complaints. The standard noise condition would be added to ensure that plant will incorporate at the levels set out in the acoustic report.
- 6.27 The entrance porch structure would be set far enough below the existing boundary walls to allay any concern about light pollution emissions. No external security or terrace lighting is proposed.
- 6.28 Concern has been raised about odours and noise arising from kitchens onto the basement lightwell. This is a single family dwelling and it seems unlikely that kitchen related odour or noise would be significantly different to the existing. Overall, the amenity considerations of neighbours are considered to be protected by the proposals, subject to planning conditions.

### **Transport**

- 6.29 The site is accessible uphill along a private driveway, with street access via a narrow entrance on Frognal, adjacent to the Convent. The site is considerable in size, and a suitable construction programme will ensure that the works remain within the boundary of the site. However the factors of the narrow entrance, the steep laneway in close proximity to the listed Convent and the likely volume of material for removal and delivery mean that a Construction Management Plan (CMP) would need to be secured by S.106 legal agreement in order to minimise the impact on the transport network and local amenity. Amongst other details the CMP will need to provide details of the size of vehicles, their expected numbers and

regularity, for agreement by the Council.

- 6.30 The existing dwelling has some off-street parking associated with it and the proposals include the retention of these parking spaces. The development site has a low PTAL level of 1b (very poor) which shows that the development is not highly accessible by public transport. Also, the existing parking provision does not cause any adverse traffic issues to the surrounding local highway network and it is considered that the proposals will not lead to an increase in the trips to and from the development; therefore the existing level of parking associated with the site may be retained.
- 6.31 The proposals are for a large single dwelling house with step free access from street level and cycles can easily be stored within the proposed layout if required, and therefore Camden's parking standards for cycles have been met.
- 6.32 In order to tie the development into the surrounding urban environment, a financial contribution should be required to repave the footway adjacent to the site and the vehicular crossover. This is in line with UDP policies T1, T3 and T12 and LDF policies DP16, DP17 and DP21.

### **Sustainability**

- 6.33 The applicant has identified a general commitment to sustainable practices for the development, including use of natural ventilation, heat recovery and rainwater harvesting subject to a detailed site feasibility examination. LDF policy DP22 states that for particularly large dwellings with a relatively higher energy and water use, the Council will seek Level 3 of the Code for Sustainable Homes (CfSH) on developments of 500sqm or more of residential floorspace. The applicant has responded to the increased weight given to this policy during the lifetime of the assessment and has agreed to commit to Level 3 of the CfSH, to be secured by S.106 legal agreement.
- 6.34 Furthermore, policy CS13 has broadened the range of development in which the Council will seek renewable energy generation on site. In supporting text para. 13.11 it states "*once a building and its services have been designed to make sure energy consumption will be as low as possible and the use of energy efficient sources has been considered, the Council will expect developments to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible.*" The applicant has agreed to endeavour to achieve 20% renewables on site. This would be secured by S.106 legal agreement.
- 6.35 The applicant will undertake a renewable energy feasibility study to assess the potential for reducing carbon emissions through low and zero carbon technologies. The feasibility study and associated calculations will provide justification for the choice of the most suitable technology for the dwelling. At this early stage this is considered likely to be a small combined heat and power engine, along with a ground source heat pump which could take advantage of the programmed groundworks on site.

## **7. CONCLUSION**

- 7.1 The replacement of the existing dwelling of limited architectural merit with a larger villa style property of high quality design and materials which embraces the mature garden setting would preserve the character and appearance of the Conservation Area. The excavations for new accommodation and the basement would be sufficiently far removed from the nearest residences to result in very low risk of impact upon them. Subject to the necessary planning conditions the design would protect neighbouring amenity. A legal agreement would secure sustainability measures and control over the impact of the demolition and construction phases of development.
- 7.2 Planning Permission is recommended subject to a S.106 Legal Agreement with the following Heads of Terms:
- Construction management plan
  - Repaving crossover and highways costs
  - Code for Sustainable Homes
  - On-site renewables
- 7.3 Conservation Area consent is recommended subject to a planning condition on the completion of a contract for the works.

## 8. **LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.