

Dear Sir,

I am writing to object to the retrospective planning application that has been submitted at 18 Frognal Way London NW3 6XE.

I am writing to object to the above application on the following grounds:-

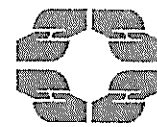
- The site plan is incorrect, suggesting that an area of the road (Frognal Way) is part of the site, when it is not. This plan should be corrected.
- The two level basement at the front of the site extends beyond the property boundary, and accordingly retrospective planning permission should not be granted for this element.
- The planning statement says, incorrectly, that *"the additional basement floorspace is wholly within the property boundary"*. This wording should be removed from the application.

Yours faithfully,

Anthony and Jacqueline Todd

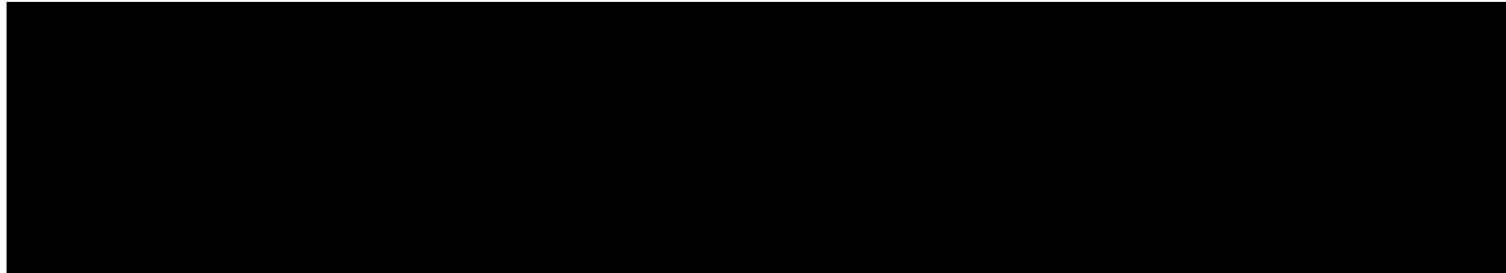


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**Comments Form**

Name..... Dr Alexander KESSLER - owner occupier of



Planning application number..... 2012/6528/P

Planning application address..... 18 FROGNAL WAY

I support the application (please state reasons below)

~~I object to the application (please state reasons below)~~



Your comments

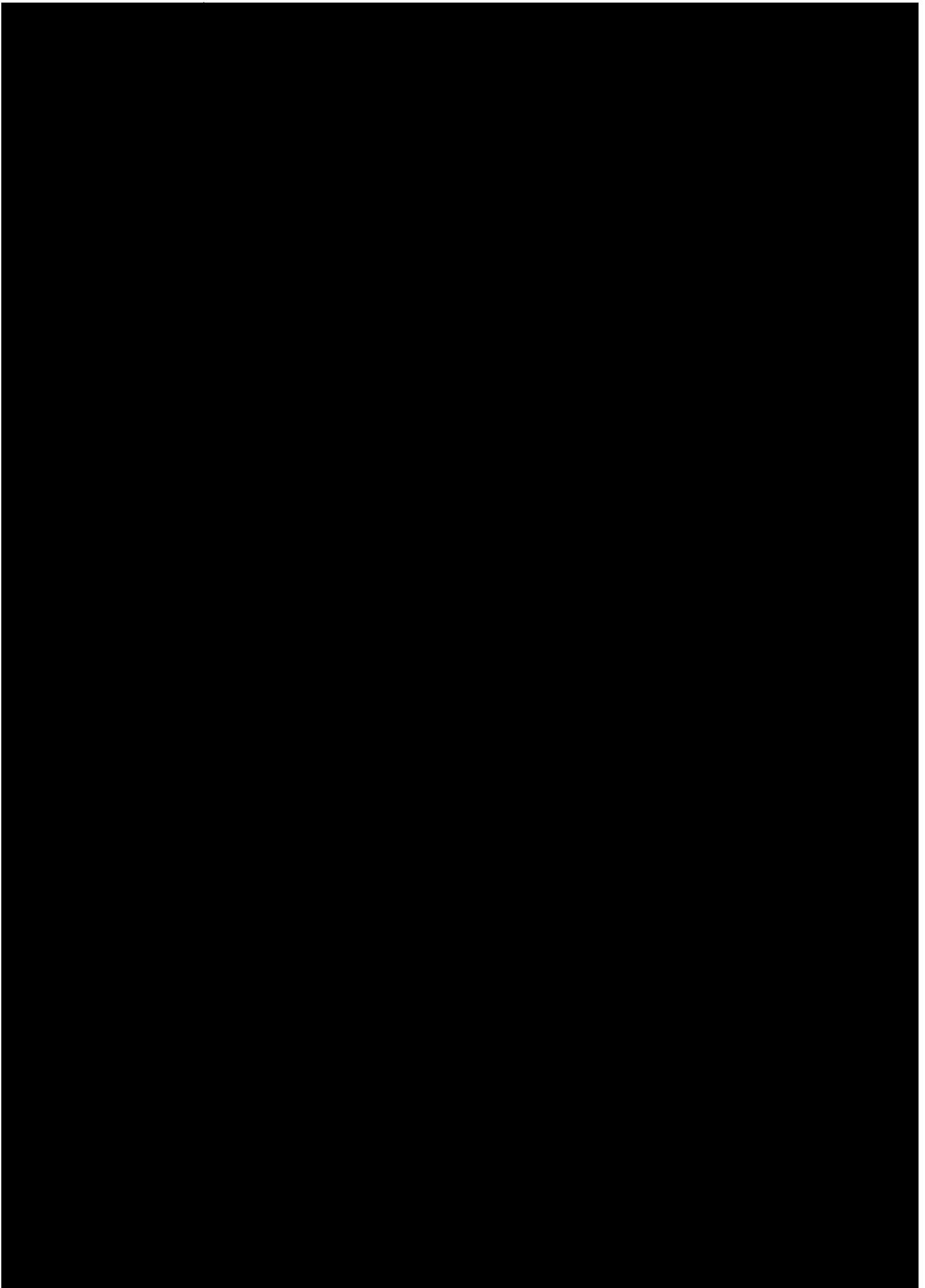
From my property at [REDACTED] I have an excellent view of the Southern and Eastern elevations of the house at 18 Frognal Way, and of its entire rear garden. I have also walked around to Frognal Way itself to have yet another careful view of the important Northern elevation of the house. The latter elevation, I believe, now makes a very positive contribution to Frognal Way.

The new roof is particularly successful as seen from Frognal Way as well as from my house at the rear. The changes in fenestration and staircases in the Southern and Eastern elevations as approved in the Appeal proposal, are minor and have affected neither the relationships with, nor the amenities of, neighbours. Indeed, the builders have erected attractive wooden slats on the 18FW sides of the party walls to enhance privacy between 18FW and 4EC and between 18FW and 20 FW.

The various materials such as the bricks and the various kinds of stones used throughout the rebuilt house are attractive and the workmanship clean and pleasant to look at. It is now an attractive building not only as seen from the North side but also as seen from the rear and Eastern sides, although the rear and Eastern elevations are hardly visible from the Conservation Area itself.

I have no objections to the landscaping in the rear garden, in fact, the landscaping is imaginative and interesting. It would seem that someone has spent a great deal of time choosing a diversity of interesting plants that should support local wildlife. It is a vast improvement over how the rear garden has looked for the past 10 years. It is a pleasure to look onto.

I support the planning application and have no objection to it.



Dear Sirs,

I am redirecting the below email contents of which I have been told is dealt by your department.

I look forward to hearing from you as to the best way to resolve this nuisance.

Best regards.

Lewis & Monique Cadji  
[REDACTED]

QUOTE

To: [planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[Aysegul.Olcar-Chamberlin@camden.gov.uk](mailto:Aysegul.Olcar-Chamberlin@camden.gov.uk)  
[Bethany.Arbery@Camden.gov.uk](mailto:Bethany.Arbery@Camden.gov.uk)

Subject: OBJECTION\_18 Frognal Way\_App. ref. 2012 6528 P (retrospective)

We are writing to OBJECT to the application made under the above reference. At this time, our objection relates to the plant and equipment installed on the east side of the site, and noise (and other nuisance) therefrom.

1 - At least two exhaust cowls have been positioned right on the boundary and pointing towards us. The boundary is at this point formed only by an open trellis (see attached photograph). We feel that given reasonable forethought and design a more suitable location would have been possible; and that it would be more appropriate for the cowls to discharge towards the applicant's property than that of her neighbours.

2 - Since this installation was completed, we have noticed that plant noise is clearly audible directly outside our property, and we have complained to the owner, who was receptive to our complain & reduced the noise level significantly, we do not know if this reduction will be temporary or if the plant has been corrected, this will be particularly relevant from spring onwards as we spend most of our time in the garden. Over & above the noise nuisance we are most concerned at the contents of the exhaust both on smell & possible contaminants, as expressed above the cowls should be discharging towards the applicants own property.

3 - We have considerable reservations about the report provided by WSP including the following:-

- there is frequent confusion between west and east in the report.
- there are other properties nearby in Ellerdale Close which may also be affected by noise but which are not mentioned.
- the attenuation factor for distance in the daytime measurements appears unduly favourable to the applicant
- the background noise assumption for nighttime (when no measurements were taken) is again considered unduly favourable to the applicant. Frognal Way is exceptionally quiet at night. It is noted that the margin of compliance is small and we would question whether under these circumstances the installation complies at all.

In view of these criticisms, we would be glad if the council would carry out its own evaluation, or arrange for an independent expert to do so at the applicant's expense. This should include measurement from outside this property, for which we will provide access by prior arrangement.

In the light of the above we request that the council REFUSE this application on the grounds of:-

- the siting of the plant and particularly the exhaust cowls referred to
- the likelihood of noise nuisance to adjoining owners
- the questionable assumptions and errors in the report

14/03/2013

If in future the council is minded to grant planning permission this should be on the basis that:-

- plant terminals and vents are sited away from adjoining property boundaries
- the council's standard noise condition for mechanical plant is included as a condition of permission being granted.

We appreciate that this is a retrospective application and that the installation has already been constructed. However, as the council has stated on many occasions, work carried out without planning permission is at the applicant's risk; and accordingly in reaching its decision the council should take no account of alleged difficulties or costs in altering the works.

Regards

Lewis L Cadji and Monique Cadji, 

UNQUOTE

No photo attached

To:

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

[Aysegul.Olcar-Chamberlin@camden.gov.uk](mailto:Aysegul.Olcar-Chamberlin@camden.gov.uk)

**18 Frognal Way London NW3 6XE**

**Planning application 2012/6528/P (retrospective)**

## **OBJECTION**

We are writing to object to details of the above application on the following grounds:-

### **1. *The site plan is incorrect.***

One of us has lived in Frognal Way since 1944, and can state positively that the No 18 has always had a very modest area of frontage, which included a short cemented sloping ramp leading to a ground-floor garage and a grassed area, only a very few feet separating the gravelled area of the roadway from the front door. Images can be provided to show this).

The highway & 'public' area of Frognal Way in front of No 8 formed a large circle, the curving line of which followed the line of the grassed frontage of No 20 (known as Blue Tiles) as is correctly shown on the Land Registry records. The symmetry of the whole turning circle was an aesthetically attractive feature of the road. It also was / is an essential feature for the purposes of 'turn-around' of Council, emergency and other large vehicles serving the properties in this cul-de-sac road.

### **2. *The original planning application has not been adhered to.***

Frognal Way is a prestigious and much frequented feature of the Hampstead Conservation Area. At the time of the Planning Application all neighbours and public members were concerned to preserve the characterful style of No 18, originally an artist's Studio. The plans submitted in 2009 were therefore subject to very careful scrutiny, with particular sensitivity to maintaining the appearance of Frognal Way.

It is clear that neither the extension of the frontage area nor the underground extension were part of the submission and neither would have been supported if made public.

The subterranean element of the changes from original Planning Consent is of less concern to us than the democratic principle involved and the visual and territorial & traffic encroachments consequent to it.

The two level basement at the front of the site, and also the extension of the frontage for car parking purposes, extend beyond the original Land Registry property boundary. Accordingly we feel it would represent compliance with undeclared & possibly underhand, intentions if retrospective Planning Consent were granted.

**3. *The planning statement is incorrect.***

The retrospective Planning Application states that "*the additional basement floorspace is wholly within the property boundary*". This is untrue. We believe this wording should be removed from the application.

**4. *The encroachment of frontage into the roadway is undesirable for both aesthetic and practical reasons.***

The enlarged parking area (currently established as a gravelled forecourt) in front of No 8 changes the previous circular sweep of grassed frontage. The parking element incorporated is excessive and unjustified since there is ample parking space available in the road itself.

To formalise this boundary extension onto public land would potentially allow further alterations to the appearance of No 18 frontage, and set an inappropriate and bad precedent.

**On these grounds we therefore object to the request for retrospective Planning Permission for the (undeclared) changes to No 18 Frogna Way.**

*Dr Christopher B Williams MA BM FRCP FRCS*

*Dr Christina JS Williams MB FRCP*

**27.1.2013**

cyfegml

# University College School

From the Director of Finance  
& Administration

J J Witts DSO FRAeS

Duty Planner Service (Camden Council)  
Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8ND

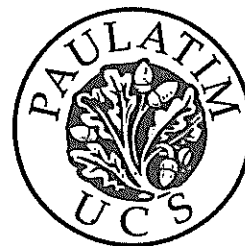
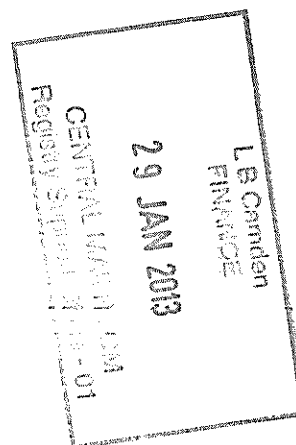
28 January 2013

Dear Sirs

**Planning Application Ref: 2012/6528/P**  
**18 Frognal Way London NW3 6XE**

As the neighbouring property, University College School is entirely supportive of this application, which will only enhance both the visual aspect and security of our northern boundary.

Yours faithfully



University College School

Frognal, Hampstead  
London NW3 6XH

Telephone 020 7433 2141

Facsimile 020 7433 2143

[jwitts@ucsadmin.org.uk](mailto:jwitts@ucsadmin.org.uk)



Application No:	Site Address:	Case Officer:	Consultees Name:	Consultees Address:	Received:	Response:	Comment:
2/6528/P	18 Frogna Way London NW3 6XE	Aysegul Olar-Chamberlin	Mr Jeremy J Witts University College School	UCS FROGNA LONDON  NW3 6XH	28/01/2013 12:13:55	As the neighbouring property, University College School is entirely supportive of this application, which will only enhance both the aspect and security of our northern boundary	SUPPRT

[REDACTED] 8 Jan 2013 [REDACTED]

Dear Lucy,

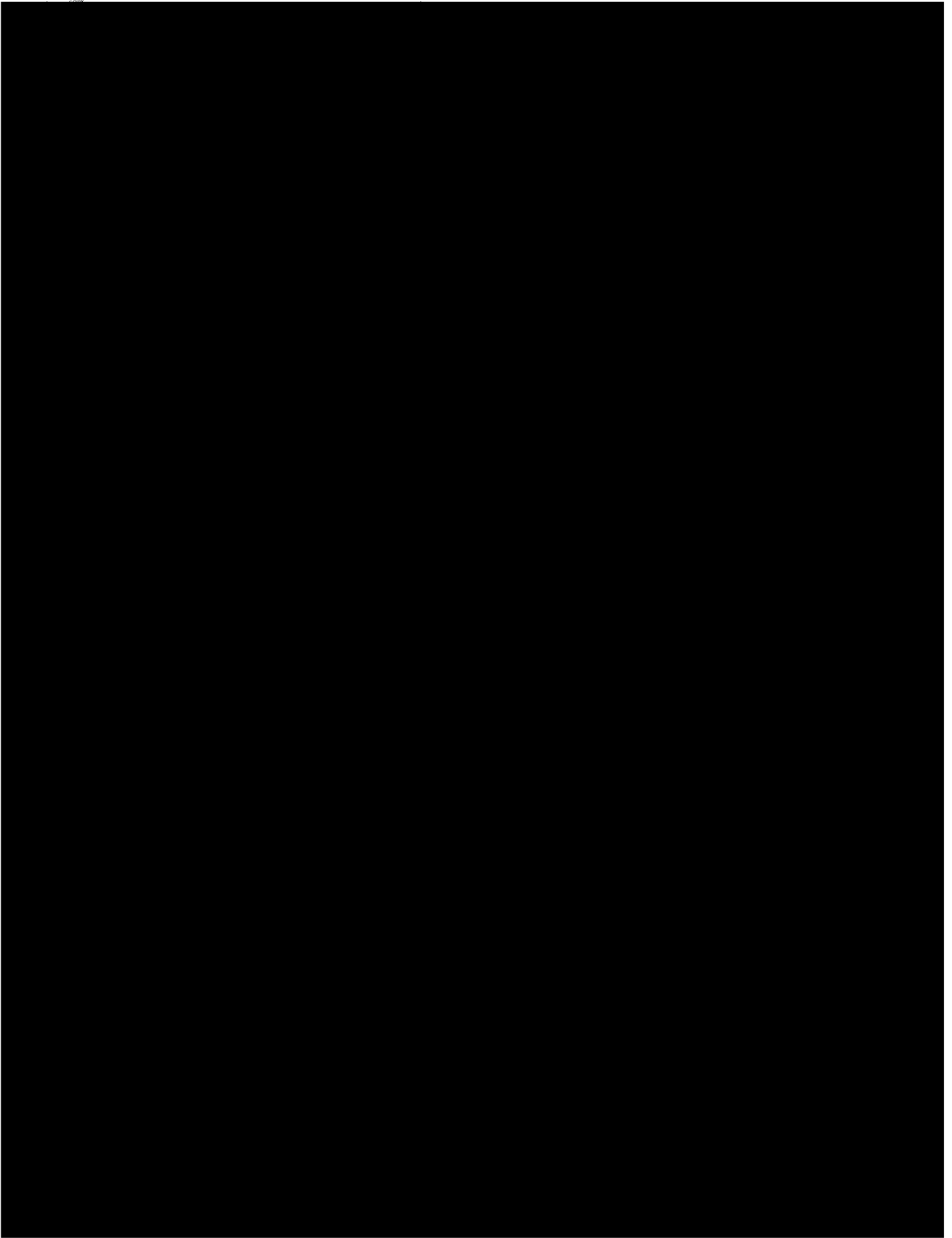
Have you had a good Christmas.  
Happy New Year.

Herewith the comments I sent to  
Camden on their prescribed comments  
Form. Full support, no objections.

[REDACTED]

All the best,

[REDACTED]



Dear Aysegul and Bethany

You will have received a separate e-mail from Douglas Maxwell of The Heath & Hampstead Society drawing attention to the undeniable boundary issues associated with this application. I am a resident of the road [REDACTED] but write this email for and on behalf of the Frognal Way Residents Association.

I am writing this email to emphasise how strongly the association and residents of Frognal Way object to this attempt to use the planning system in support of an attempt to 'grab' part of the road and bring it in to the applicant's curtilage.

Although not a part of this application, we have also seen plans relating to hard landscaping extending beyond the Land Registry defined boundaries of this property. The residents have also already placed some soft landscaping beyond the boundary on the road which we object to.

Our concerns are clear – namely that the owner of no 18 has the intention to infringe their property on the area of the road not belonging to them. For this reason, we see the changes to the site plan (to make it consistent with the Land Registry facts) and planning statement as very important, and would much appreciate if the council would arrange for the applicant to make these changes.

You can reach me best on my mobile phone [REDACTED] and of course by replying to this email for any questions relating to this.

Best regards and have a good weekend

Kurt Björklund  
for the Frognal Way Residents Association

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25/01/2013

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Kurt Björklund  
for the Frognal Way Residents Association

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Bethany,

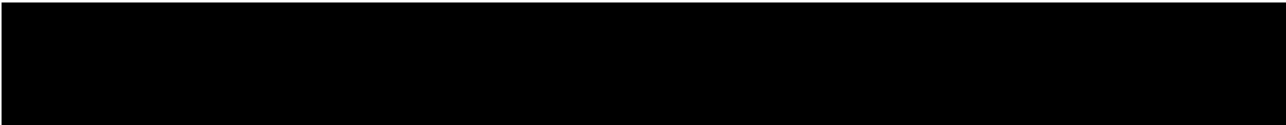
Following our telephone conversation on 8 March, I attach as promised a document 'proving' the property line to Frogna! Way and the various encroachments.

This information has been issued to the council before in October 2011, but changes on the ground, plus of course the retrospective application made it necessary to revise the document.

Should you have any queries, please feel free to get in touch.

Kind regards  
Douglas

Douglas Maxwell  
Vice-Chairman  
The Heath and Hampstead Society







# *The Heath & Hampstead Society*

**18 FROGNAL WAY LONDON NW3 6XE**

**Planning application ref. 2012 / 6528 / P**  
**Boundary Issue**

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The following information has previously been sent to the council, but this is a fully updated document based on the current application and the latest situation on the ground.

## **Key Points**

- The applicant has submitted a site plan showing the front boundary of the site extending into the road.
- The associated planning statement claims that the front basement, which was constructed without planning permission, is within the site curtilage, which it is not.
- This section of road is part of a turning circle which is necessary to allow vehicles, including refuse and recycling collection vehicles, to turn at the end of the cul-de-sac.
- These works have buried a road gulley and the associated channel which are part of the road drainage system and required to prevent the accumulation of surface water.
- While apparently not part of the present application, there is a drawing in circulation produced by the applicant which shows a permanent enclosure of the area in question with walls and railings.
- In the meantime, the applicant has formed a boundary with plant containers following the line of the above and enclosing approximately 50m<sup>2</sup> of the road.
- The Heath & Hampstead Society and Frogнал Way Residents Association object strongly to permission being granted for an application which seeks to enclose part of the public realm in this manner.
- This document demonstrates that the boundary line is as claimed by the Society and the Association on the basis of features on the ground, or recorded on the site survey carried out for the applicant.

The following are the principal documents previously issued to the council:-

## **Request for Enforcement**

Initial report ref. RS/PE/EN11/0914 made on 30 September 2011.

Subsequent e-mail sent to the council on 5 October 2011.

Details of Request for Planning Enforcement Action issued 13 October 2011.

## **Planning Objection**

E-mails dated 11 and 29 January 2013

Objection dated 18 January 2013

# 1 – PROPERTY BOUNDARY AS DRAWN

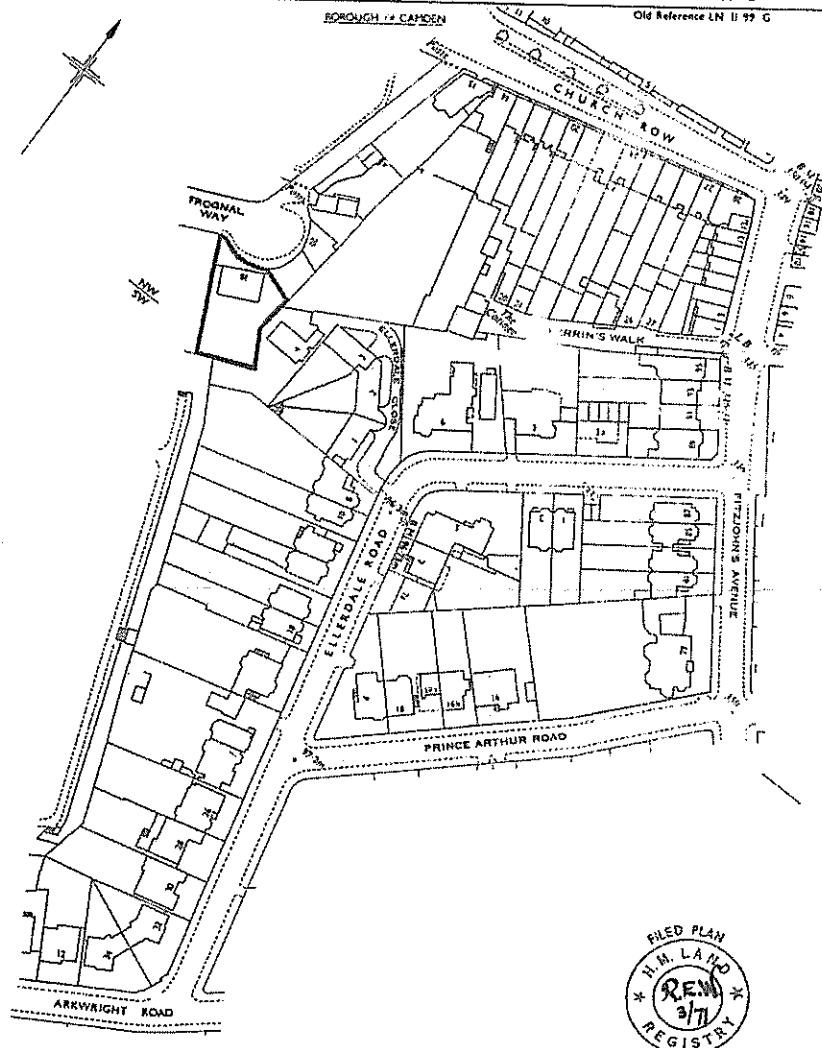
The property boundary is shown on the title plan reproduced as Fig 1. The site plan forming part of the planning application and included as Fig 2 shows a significantly larger area to the front of the house.

H.M. LAND REGISTRY		TITLE NUMBER	
		384228	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	GREATER LONDON		TQ 2685
			SECTION
			M

Scale: 1/1250

© Crown copyright 1970.

Old Reference LN II 99 G



This title plan shows the general position of the boundaries; it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.  
This official copy shows the state of the title plan on 17 November 2006 at 13:06:09. It may be subject to alterations in scale.  
Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.  
Issued on 17 November 2006.  
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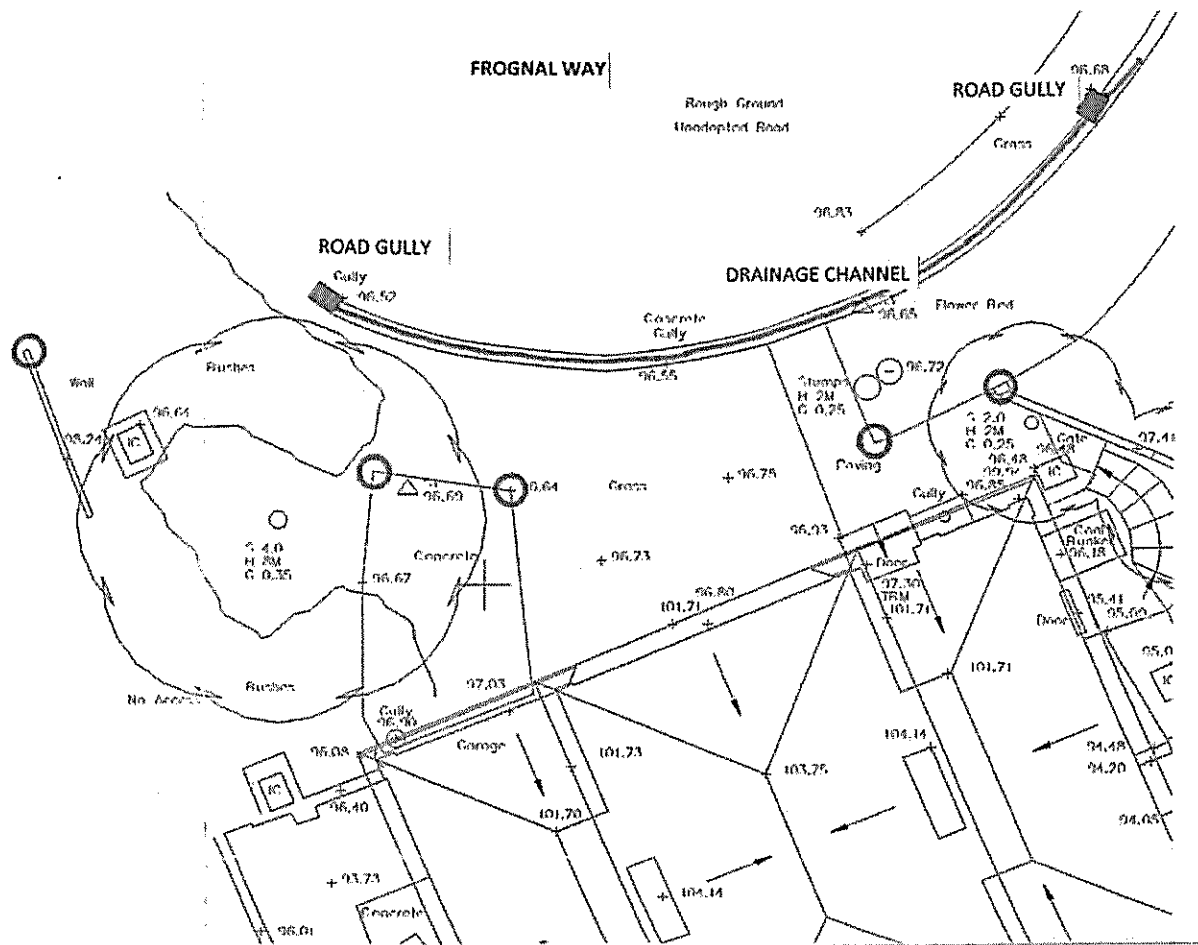
**Fig 1 Title Plan**



The following drawing Fig 3 shows the Land Registry plan superimposed onto the applicant's survey.



- o The corner of the wall of No 14 Frognal Way
- o The extent of the original front drive
- o The extent of the original paving to the front door
- o The corner of the fence adjoining No 20 Frognal Way
- o The line of the road drainage channel and position of the road gullies which, in common with the other gullies in the road, lie about 2.5 metres from the property line.

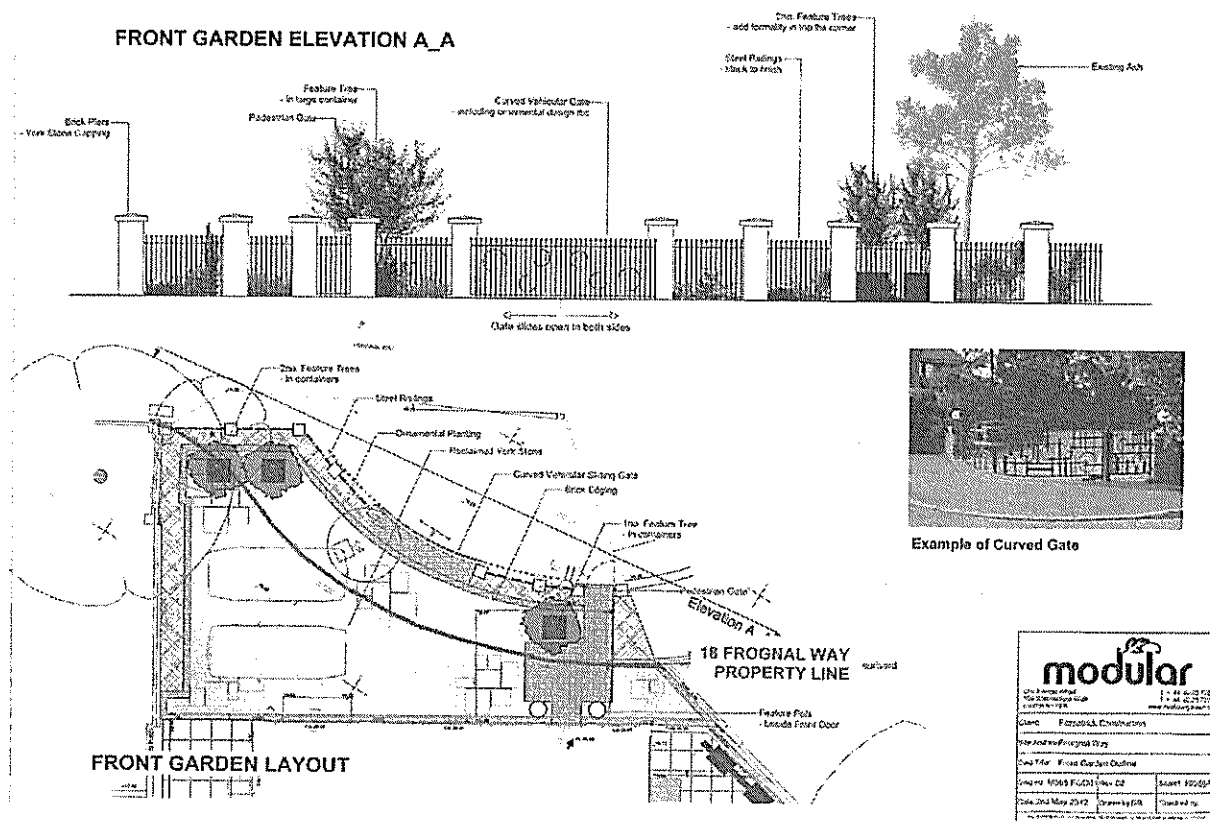


**Fig 4 Features identifying the property boundary**

### 3 – ENCROACHMENT INTO ROAD

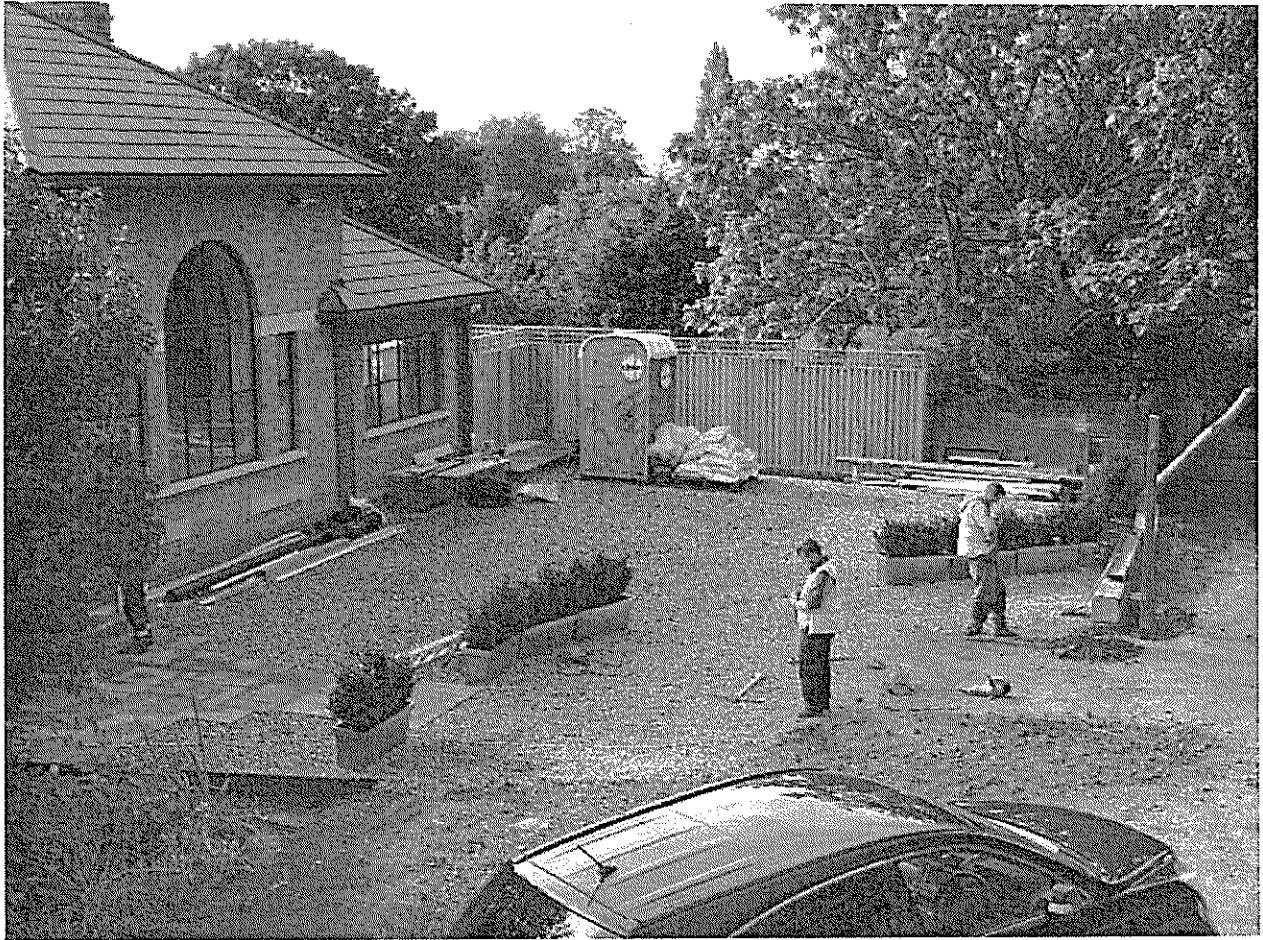
Although not part of this application, the applicant has circulated a drawing reproduced as Fig 5 below showing the permanent enclosure of an area of the road by walls and railings. The road drainage gully and channel would be permanently buried beneath these structures. The encroachment would also reduce the turning circle north to south below the minimum required for medium to large vehicles.

The property boundary as defined earlier in this paper is superimposed on the plan to make clear the size of this encroachment, which is about 50 m<sup>2</sup>.



**Fig 5 – Applicant’s proposed landscape layout in front of house, with property boundary superimposed**

This photograph Fig 6 shows the above encroachment temporarily defined by plant boxes, and its relationship to the property boundary defined in Fig 5 above. The surface water drainage is already buried beneath the hard landscaping.



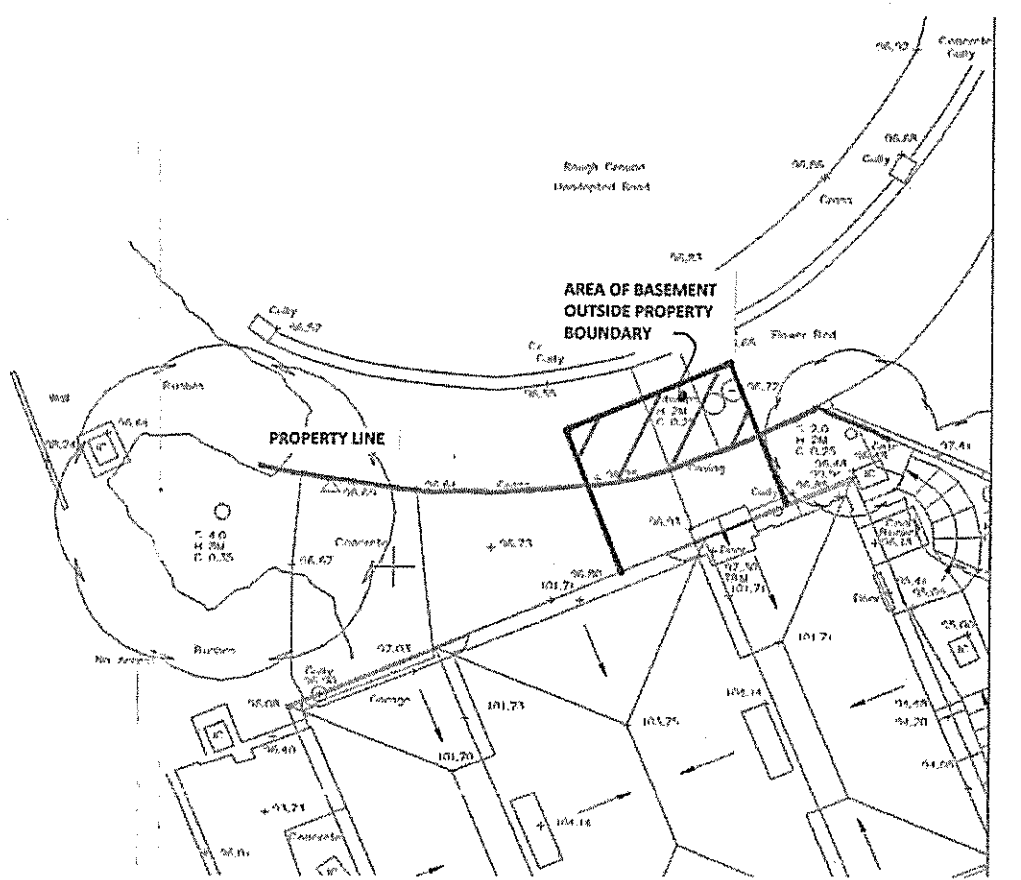
**Fig 6 – Front of No 18 looking west**

#### 4 – CONSTRUCTION OF ADDITIONAL BASEMENT

The two storey basement in front of the house was constructed without planning permission, and retrospective permission is now being sought for this – and other – works.

The applicant's engineer gives the dimensions of this basement as 4.2 metres by 3.6 metres. When this is plotted on the survey, the basement is found to extend approximately 1.75 metres outside the property boundary. The floorspace outside the boundary is approximately 14 m<sup>2</sup> equivalent to 150 ft<sup>2</sup>.

With ordinary and reasonable care on the part of the developer and / or contractor this could easily have been avoided, and hence there appears to be no reason for the council not to take enforcement action.



**Fig 7 – Position of new basement showing area outside property boundary**



## **5 – CONCLUSION**

The following issues arise:-

- The encroachment into the public realm by extensions to this property.
- The planned enlargement of the front garden / forecourt parking by appropriation of some 50 m<sup>2</sup> of the road.
- Reduction in size of turning circle north to south.
- Planning policy issues including conversion of front gardens to car parking and reduction in surface water drainage capacity by substitution of hard landscaping for soft in contravention of policy on SUDS.
- Change of use of part of road to residential.
- Mis-statement by applicant as to line of property boundary, and failure to issue the required notices and certificates.

Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8ND

29<sup>th</sup> January 2013

**Re: Planning application 2012/6528/P (retrospective) OBJECTION**

Dear Sir,

I am writing to object to the retrospective planning application that has been submitted at 18 Frognal Way London NW3 6XE on the following grounds:-

- The site plan is incorrect, suggesting that an area of the road (Frognal Way) is part of the site, when it is not. This plan should be corrected.
- The two level basement at the front of the site extends beyond the property boundary, and accordingly retrospective planning permission should not be granted for this element.
- The planning statement says, incorrectly, that *"the additional basement floorspace is wholly within the property boundary"*. This wording should be removed from the application.

Yours faithfully,

Anthony and Jacqueline Todd

REQUEST FOR COMMENTS/OBSERVATIONS FROM:

Please send in your comments by email to [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk), submit comments directly when viewing the application on the web ("view related documents - my submissions") or alternatively, fax your comments to us on 0207 974 1930 Please make it clear which CAAC you are representing.

Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 8ND

Tel 020 7974 4444  
Fax 020 7974 1930  
Textlink 020 7974 6866

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

Hampstead CAAC

18 Frogna! Way  
London  
NW3 6XE

Application ref: 2012/6528/P

Associated ref(s):

Date of consultation: 18 December 2012

Proposal: Amendments to planning permission granted 06/10/09 (2009/0603/P) for excavation of basement level below existing dwellinghouse and approved extension to enlarge the basement for additional ancillary residential accommodation, namely excavation of basement level to create swimming pool, plant room and utility rooms; installation of railing to the rear and side elevation at ground and lower ground floor level around the staircase, alteration to fenestration to all elevations, extension of terrace to lower ground floor level and alteration of parapet to ground floor level to the residential dwelling (Class C3) (Retrospective).

Comments:

☒ OBJECT

☐ NO OBJECTION

☐ COMMENT

(Please tick as appropriate)

1. Is the application out of time if not renewed already?
2. Basements outside the main building footprint.
3. Depth of basement excessive even up slope (in excess of 6m excavation)
4. Excessive hard landscaping proposed as unacceptable garden take up with deep terrace over large basement.

If application has not been renewed we recommend refusal and re-design.



INVESTOR IN PEOPLE



To: Acceptance O-C

9/01/13

Director of Culture & Environment  
Rachel Stopard



Aysegul,

When we spoke on the telephone yesterday, I mentioned that there are boundary issues associated with this application as follows:-

1 - the site plan forming part of the application does not show this boundary correctly ie. it includes in the "site" land which the applicant does not own and which is part of the road.


2 - the planning statement also states that development is wholly within the curtilage, which it is not.

Both of these points are explained in the attached.

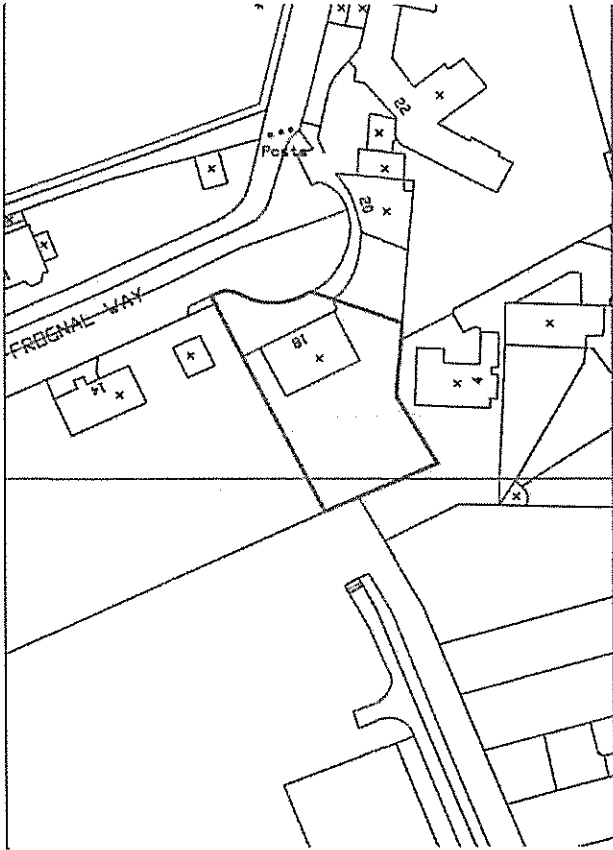
We would be grateful if as discussed you would arrange for the applicant to amend the site plan and planning statement accordingly, along with any other similar references.

Regards

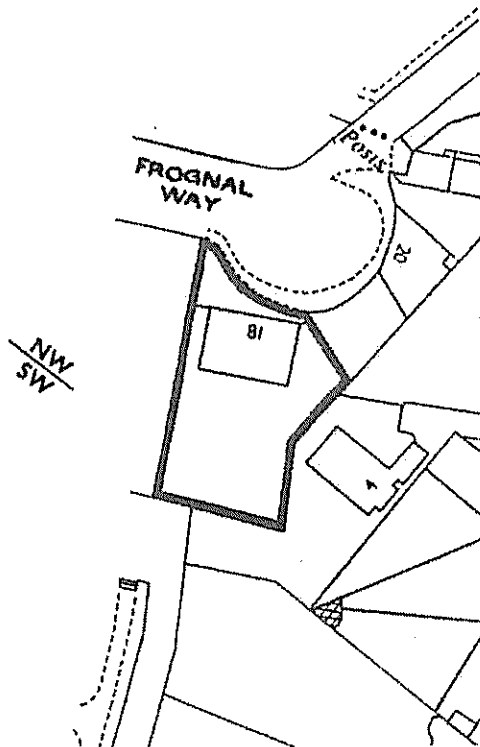
Douglas Maxwell  
Vice-Chairman  
The Heath and Hampstead Society



1 – Comparison of applicant's site location plan and Land Registry Title Plan



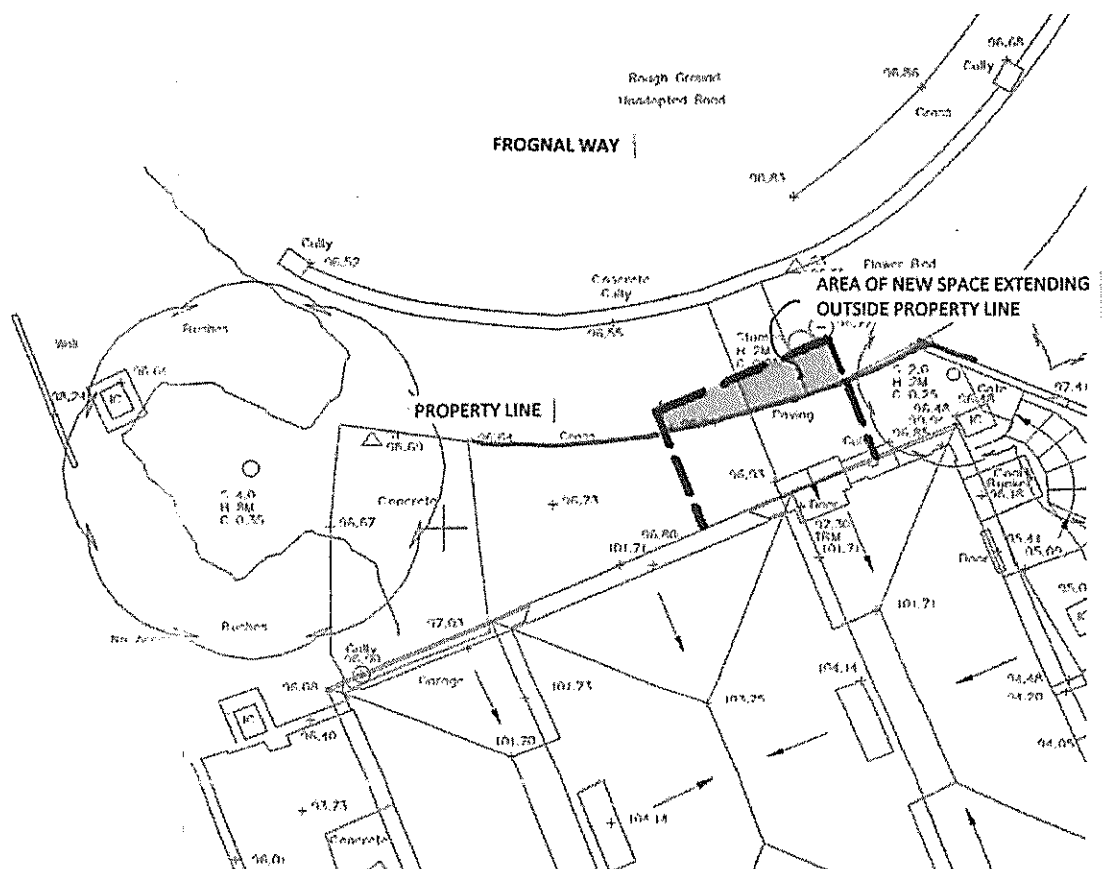
Site Location Plan extract

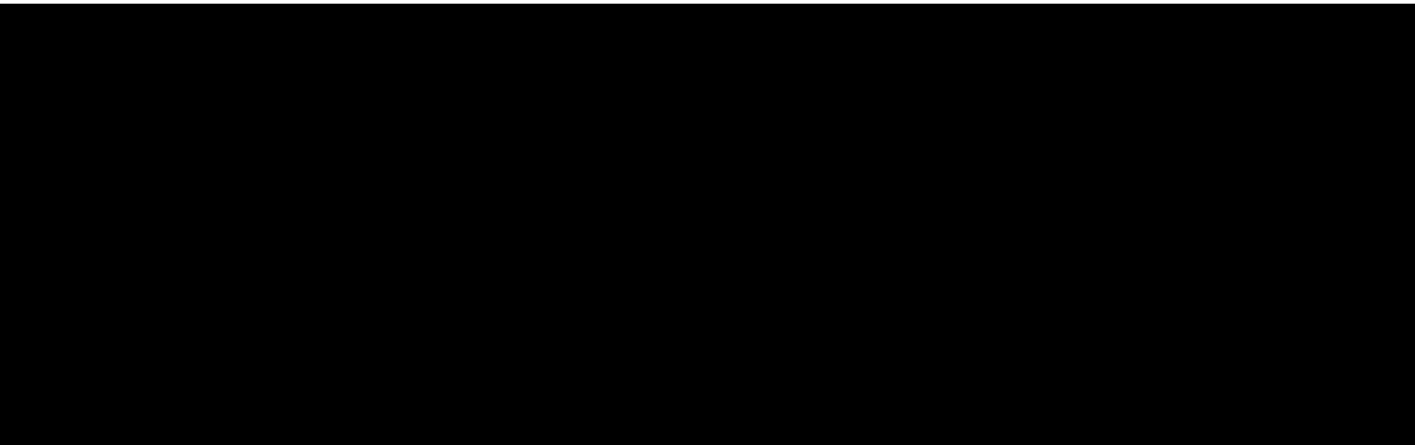


Land Registry Title Plan extract

The additional basement floorspace is wholly within the property boundary and is imperceptible from any public or private vantage point. The landscaping of the rear garden provides a private space which broadly retains the nature

The two-storey basement to the front of the property extends beyond the property boundary as shown below





Following our telephone conversation, I attach the following details as requested, which hopefully will assist. Some of this material has previously been sent to the council, but not necessarily to yourself.

You asked about the original state of the front garden (the area between the house and Frogna Way) compared to now.

1 - The attached drawing *Site Survey* was produced for the applicant and formed part of the original applications. The council should therefore have it in full size / to-scale form. It is dated 11.05.04 and so pre-dates any works.

2 - I am personally familiar with the site and its pre-existing condition and can confirm from my own knowledge what is shown on the plan, namely that the whole area was soft landscaped except for an area of driveway leading up to the garage (on the west side) and an area of paving in front of the front door and side gate (on the east side). The purple plum tree shown on the west side was later removed by the applicant.

3 - The area of front garden is estimated at 80 square metres, and the area of hard paving 23 square metres.

4 - The attached photographs show the original appearance of the front garden, but cannot be used for determining boundary lines etc; firstly because of the viewing angle, and secondly because the boundary had become overgrown with grass, weeds and self-sown plants and shrubs.

5 - Attached is the society's request for enforcement action issued previously\*, which contains an explanation of the boundary issue and how the Land Registry title plan relates to features on the ground.

6 - Once the works commenced, the whole of the front garden was concreted over presumably to provide a hard level surface for building operations. So far as is known, this concrete was never removed, and remains as an impermeable layer beneath the gravel which was put down at the end of the project. There is also a surface water drain and channel (shown on the survey) which are part of the road drainage but are currently buried and presumably not working.

7 - The applicant has circulated a drawing which although not part of the present application indicates plans for an enlarged hard landscaped parking area in front of the house. This extends beyond the property line and takes in about 400 square feet of the road which does not belong to the applicant. This drawing is attached with the property boundary marked on it.


8 - Bearing in mind the policy requirements relating to permeability and sustainable urban drainage (SUDS) and also the intent of the 2010 Article 4 Direction to preserve front gardens from being converted into hardstanding / parking, we question whether arrangements of this type should receive planning permission.

9 - It has also been pointed out to us that if the proposed hardstanding extends into the road (see para 7), then this would involve a change of use from highway to residential, which has not been applied for and should not be granted.

If you have any queries on the points raised, you are welcome to get in touch.

Regards

Douglas Maxwell  
Vice-Chairman  
The Heath and Hampstead Society



\* the developer's hoarding referred to has since been removed