

# 41 FROGNAL

## PLANNING APPLICATION 2015/2026/P

### ISSUES OF CONCERN / OBJECTION for 2 FROGNAL CLOSE

#### Summary of concerns

- No consultation
- Conservation Area issues
- Existing Building
- Inappropriate scale, bulk, height, massing
- Inappropriate relationship to street and neighbouring properties
- Daylight, sunlight, and overlooking
- Privacy
- Traffic generation and parking pressures
- Impact on soil stability
- Landscape
- Acoustic

#### No consultation

- The Pre Application response from Camden Council, dated 17 February 2015, 'strongly encouraged' consultation with neighbouring occupiers.
- Applicants Planning Statement [Clause 2.17] states that consultation letters were sent to immediate neighbours in Frognal, including University College School [UCS], and Frognal Close. 1, 2, 3, and 5 Frognal Close, and UCS received none so it is also assumed that none of the immediate neighbours was notified, let alone consulted. The first notice was the letter from the applicants planning consultant, DP9, dated 18 March and received on 25 March 2015 stating merely that an Application was about to be made, just 1 week before the Application was received by Camden Council on 2 April 2015.

- An email was sent by the owner of 2 Frogna Close to DP9 attaching a letter sent to the previous owner of 41 Frogna in 2012, copied to their selling agent, drawing attention to the subsidence and heave being experienced as a result of the trees in their garden. There was no reply. See Document 1, 12 and 13.
- The Pre Application response from Camden Council, dated 17 February 2015, states that Camden Council will notify adjoining occupiers of any Application. Notifications from Camden have not been received at 2 and 5 Frogna Close and at University College School, nor have public notices been displayed. Camden's notification dated 9 April 2015 was only received at 1 and 3 Frogna Close on 13 April 2015.

### **Redington / Frogna Conservation Area**

- Heritage context, from the Conservation Area Statement  
*"A number of striking modern houses were built in the 1930s around Frogna and in Willow Road that defied convention, and the Hampstead tradition of avant-garde architecture established in the 1870s, continued through the 20th century ... Of particular note on the western side of Frogna are No 39, a house designed by R. Norman Shaw for the illustrator Kate Greenaway in 1885 and No. 41, a low horizontal late 1960s house by Alexander Flinder. Beyond the latter is Frogna Close. This comprises a relatively tight-knit enclave of six semi-detached houses set around a small cul-de-sac. These houses designed by Ernst L. Freud in 1937 are reminiscent of Erno Goldfinger's work at Willow Road, and Mies van de Rohe's early brick houses at Frefeld. Four of the six houses that make up the Close are listed ... Buildings and Groups of Buildings that Make a Positive Contribution to the Conservation Area: 41 Frogna .. 3 and 4 Frogna Close".*
- Harry Kleeman, for whom the building was designed and built, stated that his architect, Alex Flinder, sought to emulate the ambitions of the Prairie House style made famous by Frank Lloyd Wright by visually anchoring the building to the ground by the use of strong horizontal features in the elevational treatment, and the low height against broad plan dimensions. Alex Flinder regarded this building was one of his finest designs, according to Harry Kleeman. The proposals are of such a scale and insensitivity to effectively and comprehensively destroy to original aims of the building and its sensitive setting within the landscape that forms such a cherished enclave within Hampstead.
- 41 Frogna is listed under the heading 'Buildings and Groups of Buildings that make a positive contribution to the Conservation Area'. Also listed are the adjacent buildings, to the rear of the site, 3

and 4 Frogna Close. As such all are stated to 'make a positive contribution to the character and appearance of the Conservation Area and the general presumption should therefore be in favour of retaining such buildings. Although not Listed the Government requires proposals to demolish these buildings should be assessed against the same broad criteria as proposals to demolish listed buildings'.

- Along the frontage of Frogna the site is located between 2 groups of Listed buildings [Grade 2]. 39 and 39a Frogna, by Norman Shaw, to the south and 1 and 2 Frogna Close, by Ernst Freud, to the north. Also part of this group is also 5 and 6 Frogna Close. The importance of Freud's work, including Frogna Close, has been recently emphasised by the publication of Ernst L. Freud, Architect '*The Case of the Modern Bourgeois Home*' by Volker M. Welter (2011).
- From *The Buildings of England, London 4: North*, by Nikolaus Pevsner '*The Victorian street pattern is broken by No. 41, low, with horizontal brick bands, set back in its own grounds; by Alexander Flinder (1966-68). Frogna Close is a well-planned and well-designed group of small houses by E.L. Freud, 1937, in the International Modern Style, but [like Goldfinger's houses in Willow Road] discreetly brick-faced, with windows emphasised by slightly raised panels*'.
- Under the Guidelines within the Redington / Frogna Conservation Area Statement are policies relating to New Development, which require that they '*respect the existing built form and historic context of the area, local views, building lines, roof lines, elevational design*'. They also demand that '*The Council will seek the retention of those buildings considered to make a positive contribution to the character of the area*'.
- Clearly not only is 41 Frogna itself deemed of particular note but also the whole cluster of buildings from 39 Frogna to Frogna Close is unique. The planning proposal alters this relationship completely particularly in terms of scale, inappropriate massing, inappropriate relationship to neighbouring properties, loss of original features and lost historical interest.
- Attention is drawn to the Planning Officer's report on the Planning Application for 4 Frogna Close in 2010 [2010/0898/P], where two Planning Applications for far smaller proposal, but in all other regards comparable to the Application for 41 Frogna, were rejected for heritage reasons. The Applications were '*for additions and alterations including the erection of a part single storey, part two storey side and rear extension, excavation of a basement to create*

*additional living space, gym and internal swimming pool, a light well to the front and replacement windows'. Attention is particularly drawn to the comments of the Conservation and Urban Design colleagues of the office that wrote the rejection report. See Document 2.*

### **Existing Building**

- Claiming that the proposals is for a 'refurbishment' of the existing building is fanciful, given that it is to be increased in size by 450%.
- In support of its claims for the need of redevelopment the proposal says the house is 'now tired'. The property was purchased two years ago. No attempt has been made to maintain it, and possibly it has been left to fall into state of disrepair to bolster claims for enlarging and renewing.
- The proposal claims the house is 50 years old and therefore warrants updating. Many houses in Hampstead are far older and no such claims are made for any of these nor, is it believed, would Camden see that as a reason for wholesale re-development.
- The return wing and corner window of 2 Frognal Close is shown as being more remote from the boundary with 41 Frognal than it is. The flank wall is shown on the drawings in the DAS as being of the order of 4 or 5 metres from the boundary, whereas in fact it is only 2 metres as is more clearly shown on the survey drawing in the Transport Statement. See Documents 3 and 4.

### **Inappropriate scale, bulk, height, massing**

- The increase in size of an already large house from 419 sq. metres on Ground and First floors to 1,886 sq. metres on basement, Ground, First, and Second floors, albeit 40% of this total underground, has led to an excessive increase in scale, bulk, height and massing.
- The proposal is for an increase in floor area on the site of 450% over the existing building.
- **Ground floor** - increase from 245 sq. metres to 485 sq. metres - an increase of 50%  
**First floor** - increase from 175 sq. metres to 328 sq. metres – an increase of 53%  
**Second floor** - none previously existing, with a new structure of 208 sq. metres – an increase of 100%

- **Height** - the proposal is for an increase in height from 6.25 metres to 10.25 metres – an increase of 40%  
**Width** – the proposal is for an increase in width at First floor level from 18.25 metres to 27 metres – an increase of 32%.  
**Depth** – the proposal is for an increase in depth, rearward, from 9.5 metres to 15 metres – an increase of 37%

### **Inappropriate relationship to street and neighbouring properties**

- The existing 2-storey property sits at the top of an incline, set well back from the road frontage of Frognal. All of the buildings along Frognal, set immediately back from the road frontage, are 3 stories high e.g. 39 Frognal and 1 Frognal Close, but those set further back and at the top of the same incline as 41 Frognal are only 2 stories high, e.g. 2, 3, 4 and 5 Frognal Close. This creates a harmonious group away from the Frognal road frontage.
- The proposal attempts to draw on a relationship with 2 Frognal Close but the site level of 41 Frognal is almost a storey lower.
- The proposed addition of a Third floor to 41 Frognal creates an apparent ‘terrace’ affect between 1 / 2 Frognal Close and 41 Frognal, This is to the detriment of the setting of the Frognal Close grouping of 4 Grade 2 Listed buildings and 2 identical ones in the grouping that are listed as making a positive contribution to the Conservation Area. See Document 5.
- The gap between the proposed building and the flank wall of 2 Frognal Close will be of the order of only 5 metres, resulting in an over-bearing presence in the gardens and living rooms of the house. See Document 6.

### **Daylight, sunlight, and overlooking**

- The kitchen garden of 2 Frognal Close, facing south-west, presently enjoys an harmonious relationship with 41 Frognal in that the First floor is set back over 8 metres from the boundary and has no overlooking windows, other than one that serves a bathroom and is fitted with opaque glazing [noted to be purposefully omitted from the existing elevational drawing – shown drawn over on page 25 of the DAS - but shown on the plan]. The proposal will, effectively, overpower the kitchen garden as can be seen from the attached photos and sketches that show the consequences of what is proposed. See Document 7 and 8.
- The Use of the Site drawing on page 8 of the DAS blandly states that ‘the third storey oblique view from the corner window is retained’. How this is assessed is not made clear, but the photos and sketches of the existing window and as it would be for the

proposed scheme is attached, which clearly shows this not to be the case. The use of this study room would be severely compromised by the proposal. See Document 9.

- 41 Frognaal lies directly to the south of 1 and 2 Frognaal Close. The existing building casts no shadow over the Close given that it is only 2 stories high and the site is almost a storey lower. As proposed the building will be 4 metres taller and 5.5 metres deeper so the shading effect on the gardens, living rooms and kitchens of 2 Frognaal Close will be marked, particularly in the Spring, Autumn and Winter months when the sun is lowest.
- The existing building, at two stories and with fenestration back and front only, does not overlook any property in Frognaal Close. At 3 stories, the rear of the building intruding further into the rear garden, and with the upper storey having an all round terrace / access then 1, 2 and 3 Frognaal Close gardens, living and bedrooms will be overlooked – markedly 2 Frognaal Close, e.g. from the terrace of the third floor Guest Suite it is only 10 metres to the kitchen garden of 2 Frognaal Close. See Document 10
- The bulk and mass of the proposal will dominate the setting of Frognaal Close, whereas the existing building has a subservient presence from the cul-de-sac roadway. It will now visually intrude and disturb the sense of oneness of the setting of all 6 buildings that makes it unique. See Document 5.

### **Privacy**

- Both of the rear gardens to 2 Frognaal Close overlooking 41 Frognaal, being those immediately outside the living room and the kitchen, presently enjoy total privacy in that neither is overlooked. With the proposed addition of a second floor and the extension to the rear both will now be overlooked from the proposed new rooms and terraces. The privacy presently enjoyed by both the gardens and the rooms within 2 Frognaal Close will, therefore, be lost. See Document 7 and 8.

### **Traffic generation and parking pressures**

- The transport studies make no reference to the traffic movements likely to be created by 7 bedrooms, two distinct house units, an indoor and an outdoor pool and 2 cinema rooms, a gym and sauna / shower room from both users and support services / staff. Given the increase in size by 450% it is surmised that this would be significant.
- The orientation of the new garage will mean that front-facing cars leaving after dark will shine headlight beams directly into the houses and bedrooms of 2 Frognaal Close.

- The consequence of increased traffic movements into and out of the site will aggravate an hazardous relationship with the adjacent pedestrian crossing that serves the extremely busy University College School entrance that is located immediately opposite.
- The entrance to the site is only 3 metres from the pedestrian crossing and well within the white line no-stopping chevrons. Normal highways policy, and good health and safety, would normally deny any road access within this zone in normal circumstances.
- The proposed intensification of the planting at the entrance area will serve to occlude the vision of emerging vehicles for already inadequate sightlines to Frognal in both directions.
- The intensification of use of the site and the inevitable increase in vehicle access required to access and serve it will result in a marked intensification of the use of the already restricted public parking in both Frognal and Frognal Close.
- The proposed operational hours for the tipper trucks (9.30 am - 3.30 pm) may avoid the school rush, but will regularly collide with the phalanx of school coaches that generally park along Frognal for outings from UCS which create regular impassable bottlenecks. There is also the added potential inconvenience of lorries arriving early in the morning to miss traffic and parking up or idling in neighbouring roads awaiting the start of the operational hours.

### **Impact on soil stability**

- 1 and 2 Frognal Close, immediately adjacent to the site and the proposed areas of construction, are both Listed. Both already suffer from uneven floors and internal cracking, and garden subsidence and heave [see attached photos].
- Problems caused by both during excavations are discounted in the proposal. The inevitable disruptions caused by the excavation, and long-term arrival and departure of heavily laden tipper trucks so close to the boundary wall, will inevitably jeopardise the structure of the two houses.
- The likely effects that the proposals would have, in both the short term and over the longer term, are addressed in the Alan Baxter's *'Initial view on the likely effect of the proposed basement development at 41 Frognal on the existing structure'* that is attached. The applicant has not addressed the concerns expressed. See Documents 11, 12 and 13.

### **Landscape**

- The Planning Statement claims that the plane trees form natural screen between 41 Frognal and 1 and 2 Frognal Close. The trees are only in leaf from May – September, so for 7 months of every year there is no natural screen at all.
- Two trees between 41 Frognal and 2 Frognal Close are to be felled / cropped for the purpose of the development, removing the claimed screen between the two properties.

### **Acoustic**

- The inevitable increase in use of the building, given its capacity to house so many people, will inevitably increase traffic noise along the front of the building adjacent to the garden outside the living room of 2 Frognal Close and the larger garden / pool to the rear will also be the source of vastly increased noise in the garden outside the kitchen during the summer months.