

94 Frognal, NW3 6XB
Appeal 2014/7696/P
Written Representation



Ref. bfn.004.VC.22820001
Date: 2 June 2015
Subject: 94 FROGNAL NW3, APPEAL WRITTEN REPRESENTATION

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1. Introduction

- 1.1. This appeal is submitted by Indigo Planning on behalf of Nicole Fahri against the decision by the London Borough of Camden to refuse planning application 2014/7696/P for the variation of condition 3 (approved plans) of 2014/0559/P dated 8 May 2014, for the erection of new garden room, namely enlargement of garden room (retrospective).
- 1.2. The reason for refusal as stated in the decision notice dated 8 April 2015 is as follows:

'The outbuilding by reason of its height, bulk, and mass has an overly dominant appearance, detracts from the open green character of the garden, and harms the character and appearance of the conservation area contrary to policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.'

- 1.3. Through this Statement, the appellant will demonstrate that:

- The built development would not detract from the open green character of the garden.
- The built development respects the character and appearance of the conservation area and has a limited view from the Grade II* Listed building and therefore complies with Core Strategy DPD Policy CS14 and DP25 of the Development Policies.
- The built development is of high quality design.
- The built development is of small scale and located in a discreet area of the garden. Therefore the building does not detract from the historical character of the Grade II* Listed building.
- Concerns of neighbours, although not an issue for the local authority, can be addressed through conditions should the Inspector

consider it necessary.

- 1.4. For the above reasons, and in the absence of any harm, the proposal is in accordance with relevant planning policies and the appeal should be allowed subject to appropriate conditions.

2. Site and Surroundings

The Appeal Site

- 2.1. The appeal site comprises the garden area to 94 Frognal. The host dwelling is occupied by the appellant. A Site Location Plan is provided at Appendix 1.
- 2.2. 94 Frognal is a Grade II* Listed building, constructed in red brick with stucco design and is two storeys in height. The garden area is an 'L' shape which includes an existing single storey orangery visible from Frognal and stretches along the western side of the appeal site and a studio located at the rear of the site within the back return to the 'L' shaped garden. The residential building is connected to 94a Frognal on the eastern elevation while the existing orangery connects to 92 Frognal.
- 2.3. The building subject to this appeal is located to the rear of the site and within the back return to the 'L' shaped garden.

The Surrounding Area

- 2.3. The appeal site is located along Frognal and backs onto the rear gardens along Frognal Gardens and north of Church Row. The appeal site is located within the Hampstead Conservation Area.
- 2.4. 12b Church Row, a residential dwelling located in the rear garden of 88-90 Frognal. The studio is visible from the side window but only at oblique angles.
- 2.5. The surrounding area is mainly residential. A large number of outbuildings have been built within the large garden plots. This includes outbuildings at 94a Frognal which is visible at the eastern part of the appeal site as well as an outbuilding backing onto the south eastern part of the appeal site at 1a Frognal Gardens.
- 2.6. Hampstead Underground Station is located within a six minute walk from the appeal site. Hampstead Heath Park located to the north of the appeal site is located within a 10 minute walk.

3. Planning History

3.1. Planning permission was granted on 8 May 2014 (ref. 2014/0559/P) for the 'erection of new garden room'.

3.2. The delegated report referred to the 'garden room' as:

'A modest garden structure is proposed for the SE corner of the site. Due to the way in which the site has historically been divided, the existing garden is 'L' shaped. The proposed garden room would be tucked away as far from the house as possible and would not be visible in the context of the listed building due to its size, position and the extent of soft landscaping, thus causing no harm to its setting. The building is 4m x 3m in plan and clad in vertical boards of western red cedar cladding with dark grey aluminium bi-fold doors and window.

Due to the shape of the garden the proposed structure will be located directly adjacent to the boundaries with the gardens of 1a Frognal Gardens and 94a Frognal. An existing structure is located at the western end of the garden to no. 1a and the proposed garden room will rise no higher than the parapet of this structure. The building will also be sufficiently far removed from 94a Frognal Gardens so as to cause no harm to its setting. In my view this proposal is acceptable and would not detract from the character and appearance of the Hampstead Conservation Area.

The garden room would be positioned far away from neighbouring properties. To the rear of the proposed garden room is an outbuilding of the neighbouring property (1A Frognal Gardens). It would therefore not affect neighbouring occupiers' daylight and sunlight. The bi-folding glazed doors would face the garden and a window in the side elevation would face towards the high brick boundary between the subject property and the garden of 88-90 Frognal. Therefore there would be no loss of privacy to neighbouring properties.'

3.3. There are no other planning applications which relate to the studios from the application subject to this appeal.

4. Appeal Proposal

4.1. Retrospective planning permission is sought for the variation of condition 3 (approved plans) of 2014/0559/P dated 8 May 2014, for the

erection of new garden room, namely enlargement of + (retrospective) at the rear of the garden of 94 Frogna.

- 4.2. The built studio has an internal floor area of approximately 20sqm within a large garden area of 690sqm.
- 4.3. The studio measures 5m wide x 4m deep x 3.17m high from a raised ground floor level. The outbuilding is built in red cedar timber clad situated in the far corner of the garden. The structure includes one top hung aluminium window on the southern elevation, an aluminium powder coated bi-fold doors on the front elevation and three roof lights. The drawings showing the built out studio are attached in Appendix 2.
- 4.4. The structure is intended as a studio for the occupier, ancillary to the residential building. Two photographs of the built studio are shown in Appendix 3.
- 4.5. The original approved studio measures 4m wide x 3m deep x 2.47 high from the base of the studio, not including the steps, to the top of the studio. The window on the southern elevation was included in the original application and was acceptable as it faced the high brick boundary wall between the subject site and the dwelling, known as 12b Church Row. The approved drawings (ref. 2014/0559/P) are shown in Appendix 4.
- 4.6. The measurements have been calculated and below shows the minor alterations between the approved studio and the built studio relating to this appeal.
- 4.7. The built studio has an additional height of 0.475m compared to the approved studio. The calculation of this measurement is shown below.
- 4.8. The approved height of the front of the studio from the bottom of the steps to the top of the roof measures 3.5m. The measurements have been taken from drawing 212 from the original application as shown in Appendix 4.
- 4.9. The built studio at the front measures 3.975m. The measurements have been taken from drawing 001 in Appendix 2. 3.975m minus 3.5m is 0.475m. The difference between the two structures is considered minimal and has no detrimental impact on the surrounding area.
- 4.10. The complete breakdown of the above calculations is set out in Appendix 5. Appendix 6 illustrates the measurements on the proposed drawings taken from drawing 001.
- 4.11. The studio includes agreement by the appellant to obscure glaze the side window on the southern elevation and agreement for a landscape scheme to the boundary, including a trellis both to be covered by

condition, should the Inspector consider this appropriate and necessary.

5. Key Issue

5.1. The main planning issue, and the reason for refusal is identified below:

- The design/visual impact on the surrounding area.

5.2. This issue is considered below.

Design/Visual Impact

5.3. The Council's reason for refusal states that the building's excessive height, scale, bulk and design would represent an incongruous addition to the rear garden.

5.4. This statement is made with the clear understanding that a studio has already been approved under reference 2014/0559/P and the altered size of the studio replaces the already approved structure in the same location.

5.5. Given the positioning of the building to the rear of the garden, some considerable distance from the rear elevations of property along Church Row and Frognal Gardens as well as the listed buildings along Frognal (including the appellants building) it is not considered that the increase in the height and width will have any adverse visual impact whatsoever upon the garden setting, the Conservation Area or the Grade II* Listed building. The studio will not lead to substantial harm to or total loss of significance of the designated heritage asset, therefore, planning permission should not be refused as stated in the National Planning Policy Framework, paragraph 133 (NPPF, 2012).

5.6. The Council's reason for refusal states that the building height of an additional 0.7m would result in the studio having an overly dominant appearance. The floorspace of the studio has increased by an additional 5sqm which calculates to an additional 0.3% additional use of the garden which is minimal in its context. The increased height has been calculated as 0.475m, contrary to the council's measurement. The measurements have been highlighted in paragraph 4.6 to 4.10.

5.7. In terms of the height, the height increase of 0.475m is minimal and does not affect the historical character of the surrounding listed buildings and the conservation area. The southern boundary wall obstructs the majority of the view of the studio and only a top section can be viewed over the wall.

5.8. The appellant has contacted the objectors to address their concern and

has offered to provide a landscaping scheme and trellis, along the southern wall to discreetly obscure the view of the studio from the closest dwelling, 12b Church Row. As agreed in the amendments to the plan in the officer's report, the window on the southern elevation would be obscure glazed to reduce any overlooking. Further details are mentioned in the 'amenity' section. There were no other properties that would be impacted by the increase in height of the studio due to the discreet location of the structure.

- 5.8. The studio is of high quality design to complement the surrounding area and does not detract from the historical character of Grade II* Listed Building and the conservation area to comply with Policy CS14 of the Core Strategy and DP25 of the Camden Development Policies.

6. Other Issues

- 6.1. Other issues include:

- The principle of the development; and
- The impact on residential amenity.

The Principle of the Development

- 6.2. The officer's report relating to the approved studio (ref. 2014/0559/P) established the principle of the development. Due to the shape of the garden and the location of the structure, the studio would be 'tucked away as far from the house as possible and would not be visible in the context of the listed building due to its size and position and the extent of the soft landscaping, thus causing no harm to its setting.'
- 6.3. The delegated report (ref. 2014/7696/P) of the refused application refers to the loss of the 'semi-public domain' however this point is underlined by the fact that the officer had previously granted planning permission for the studio and this acceptance that the building could be constructed is implied.
- 6.4. The report also refers to an existing structure located at the western end of the garden at 1a Frognal Gardens further highlighting that outbuildings are a common feature within the surrounding area. The area is populated by a number of other 'outbuildings' within close proximity including the outbuilding on the north western elevation of 94a Frognal, the outbuilding on the western end of Mulberry House as well as the large residential building located within the rear garden of 88-90 Frognal, known as 12b Church Row. All of which are substantially larger than the built studio.
- 6.5. On this basis, the Council had clearly accepted a building would be

acceptable in this location of the rear garden and a loss of garden space would result in any event. In light of the above, the principle of the development has therefore been established.

Amenity

- 6.6. The objectors have referred to 'overlooking' into the bedroom of 12b Church Row. The windows at 12b Church Row have an oblique view towards the studio and therefore there is no direct view into any habitable rooms.
- 6.7. The officer's delegated report (ref. 2014/7696/P) states that 'no undue harm would be caused with regard to amenity of the neighbouring properties in terms of loss of sunlight or daylight' and therefore complies with policy CPG1 (paragraph 4.23).
- 6.8. The delegated report also acknowledges that the studio does not have any adverse impact upon residential amenity as the revised drawings were submitted so that the window on the southern elevation would be obscure glazed and therefore there would be no loss of privacy or harmful overlooking to the occupiers of 12b Church Row.
- 6.9. As stated previously, the appellant has contacted the objectors at 88 Frogna, 90 Frogna and 12b Church Row and is willing to address the concern by planting trees along the southern wall between the south boundary wall and the studio to reduce the view of the structure for 12b Church Row who currently have an oblique view of the structure.
- 6.10. It is therefore considered that any amenity issues can be addressed through the amendments of the drawings to obscure the glazing of the southern window and subject to any conditions for additional planters/trellis.


7. Conclusion

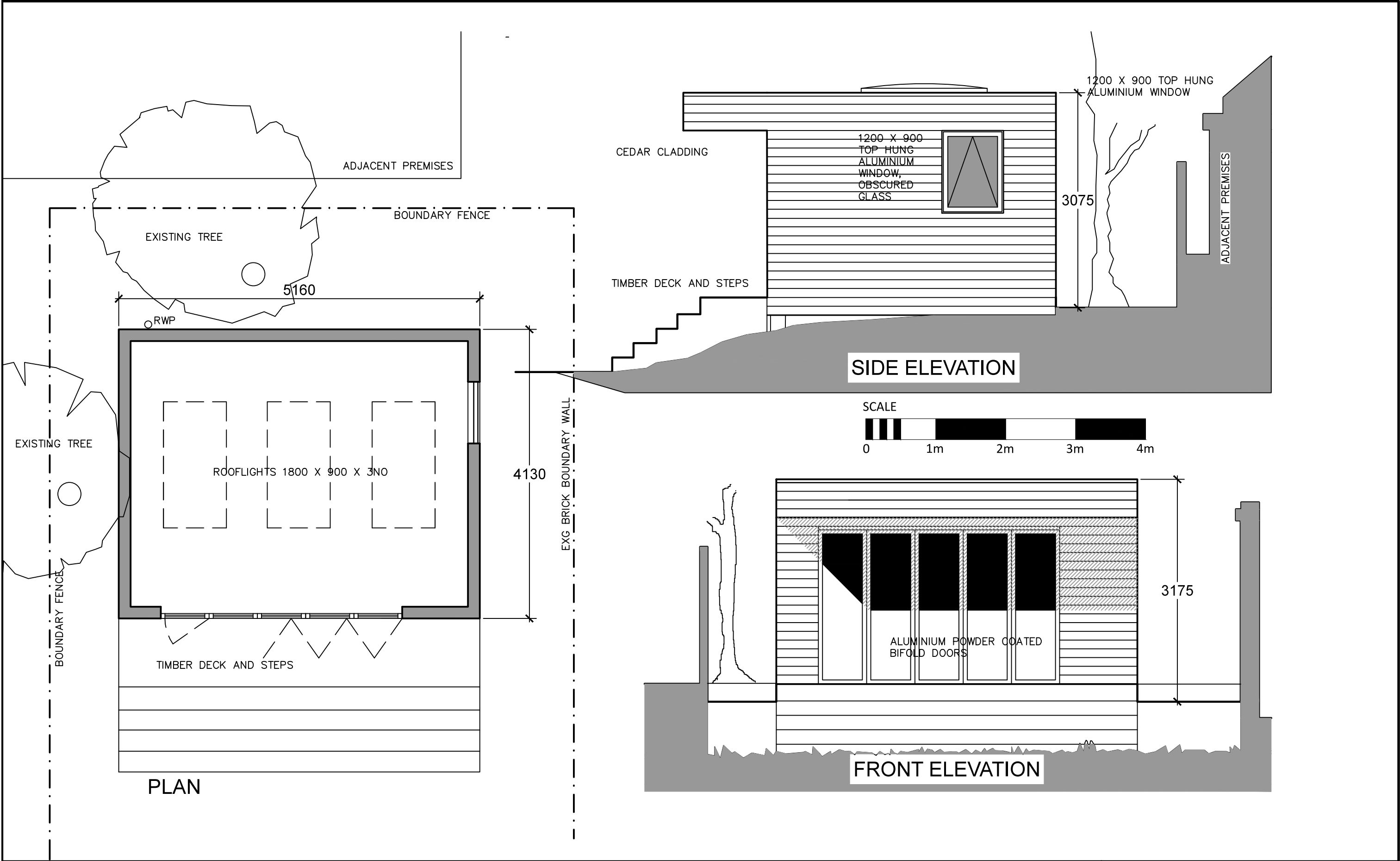
- 7.1. The built studio is situated at the rearmost part of the application property's garden and has been built slightly larger (by an additional 0.475m in height, 1m in width and 1m in depth as shown in the calculations in paragraph 4.6 to 4.10) than the previously approved studio (ref. 2014/0559/P). As with the previously approved application the studio ensures that a large proportion of the garden will be retained.
- 7.2. The perceived scale and massing of the built structure is not significantly different to that which was approved. The 0.475m increase in height in comparison to the approved building and the size of the other outbuildings within the area is minor and due to the distance from the surrounding properties and the oblique views from 12b Church Row, this would not have a major impact on the surrounding area.

- 7.3. The appellant will accept a condition for a landscape scheme to plant trees along the southern elevation to obscure the views from 12b Church Row as well as provide obscure glazing to the southern window as previously accepted.
- 7.4. For all these reasons, we consider the proposal to be acceptable and we respectfully request that the Inspector allows this appeal accordingly.

APPENDIX 1



Revision notes:			Client		Job No	Drawing No	Revision	Status	RICHARD WALLIS ASSOCIATES RIBA CHARTERED ARCHITECTS AND PROJECT MANAGERS  Unit 5b, 20-30 Wild's Rents, London SE1 4QG E: mail@rwallis.com T: +44 (0)20 7403 8869 Richard Wallis Associates is a trading name of Richard Wallis Ltd, Company Registered in England no 6398653	
Rev:	Date:	Notes:	NICOLE FARHI		212	01	A.	PLANNING		
A	13.1.14	MINDR MODIFICATION.	Project:		Title		Drawn By	Date		
			94 FROGNAL		LOCATION PLAN		MJLG	12 JAN 2014		
			HAMPSTEAD				Approved By	Scale		
			LONDON NW3 6XB				RW	1:1250.		



Revision notes:			Client		Job No	Drawing No	Revision	Status	RICHARD WALLIS ASSOCIATES RIBA CHARTERED ARCHITECTS AND PROJECT MANAGERS Unit 5b, 20-30 Wild's Rents, London SE1 4QG E: mail@rwallis.com T: +44 (0)20 7403 8869 <small>Richard Wallis Associates is a trading name of Richard Wallis Ltd. Company Registered in England no 6398653</small>	
Rev:	Date:	Notes:	N FARHI		273	001	A	P		
			Project:		Title		Drawn By	Date		
			94 FROGNAL NW2 – GARDEN ROOM		PLAN & ELEVATIONS AS BUILT		RW	DEC 14		
							Approved By	Scale		
							RJW	1:50@A3		





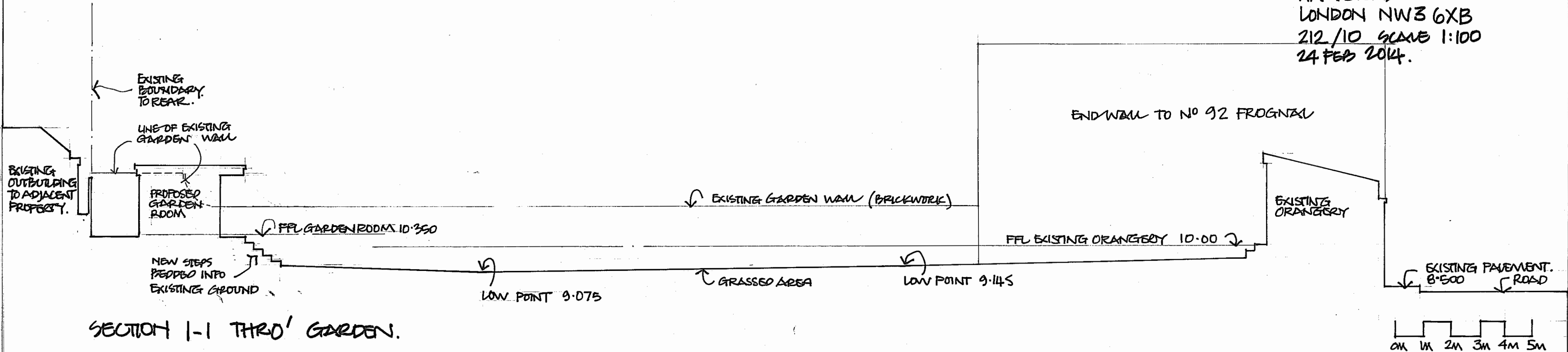
RICHARD WALLIS ASSOCIATES

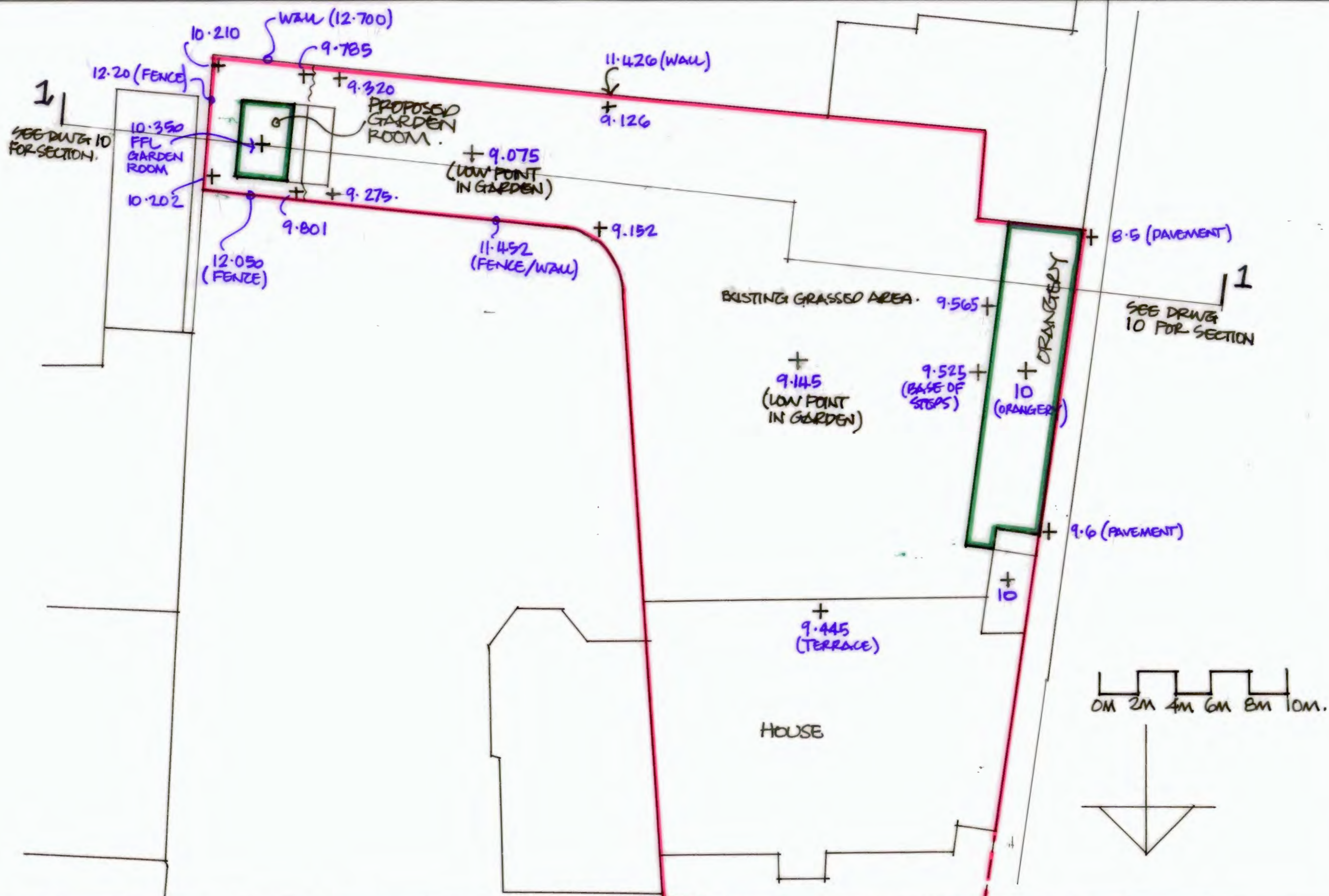
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94 FROGNAL
HAMPSTEAD
LONDON NW3 6XB
212/10 SCALE 1:100
24 FEB 2014.





Revision notes:

Rev: Date: Notes:

Client

NICOLE FARHI

Project:

94 FROGNAL
HAMPSHIRE
LONDON NW3 6XB

Job No
212

Drawing No
09

Title

SITE PLAN WITH
LEVELS

Revision

Drawn By
MJG
Approved By

Status

PLANNING

Date

24 FEB 2014

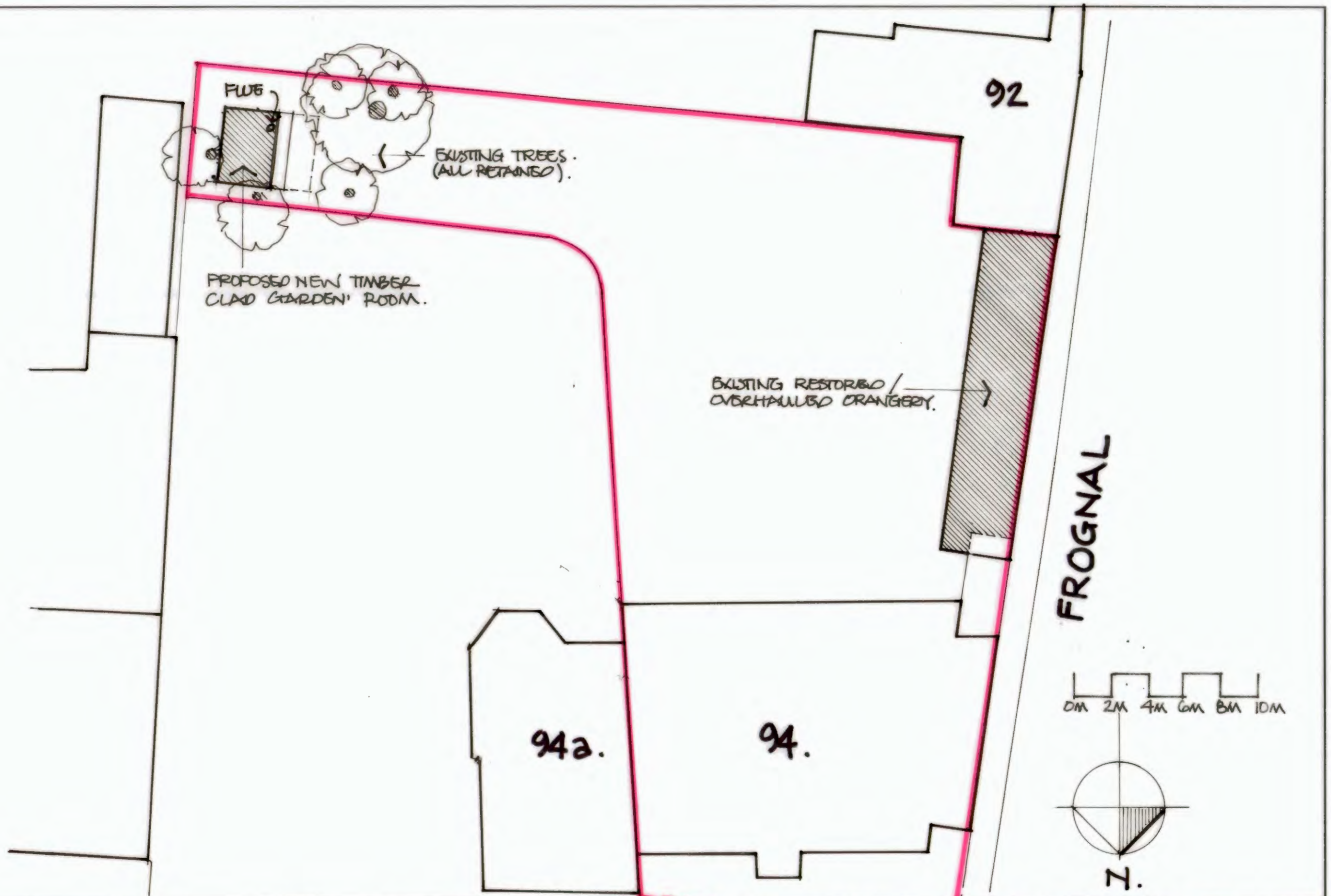
Scale

1:200

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Revision notes:

Rev:	Date:	Notes:
A	13.1.14	MINOR MODIFICATION
B	24.2.14	SCALE BAR ADDED.

Client

NICOLE FARHI

Project:

94 FROGNAL
HAMPSTEAD
LONDON NW3 6XB.

Job No
212

Drawing No
02

Title
SITE PLAN.

Revision
B

Status
PLANNING.

Drawn By
MLG.

Date
12 JAN 2014

Approved By
RW

Scale
1:200

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Front Measurements for Approved Studio	mm		Front Measurements as built	mm
Ground Floor Level (GFL)	9300		Ground Floor Level (GFL)	9300
Finished Floor Level (FFL)	10200		Finished Floor Level (FFL)	10200
FFL - GFL =	900		FFL - GFL	900
Overall height from bottom of steps to top of roof 900 + 2600 =	3500		Overall height from bottom of steps to top of roof 900 + 3075 =	3975
			Total Difference between approsed and built (3975 - 3500)	475

Rear Approved	mm		Rear Measurements as built	mm
Ground Floor Level (GFL)	10.2		Ground Floor Level (GFL)	10.2
Finished Floor Level (FFL)	10.35		Finished Floor Level (FFL)	10.35
Difference between GFL and FFL	150		Difference between GFL and FFL	150
Height from FFL to height of eaves	2475			
Height from GFL to height of eaves (2475 + 150)	2625		Height from GFL to height of eaves	3075
			Total Difference between approved and built (3075 - 2625)	450

1. The following information is provided for the year ended 31 December 2023:

2. The following information is provided for the year ended 31 December 2022:

3. The following information is provided for the year ended 31 December 2021:

4. The following information is provided for the year ended 31 December 2020:

5. The following information is provided for the year ended 31 December 2019:

6. The following information is provided for the year ended 31 December 2018:

7. The following information is provided for the year ended 31 December 2017:

8. The following information is provided for the year ended 31 December 2016:

9. The following information is provided for the year ended 31 December 2015:

10. The following information is provided for the year ended 31 December 2014:

11. The following information is provided for the year ended 31 December 2013:

12. The following information is provided for the year ended 31 December 2012:

13. The following information is provided for the year ended 31 December 2011:

14. The following information is provided for the year ended 31 December 2010:

15. The following information is provided for the year ended 31 December 2009:

16. The following information is provided for the year ended 31 December 2008:

17. The following information is provided for the year ended 31 December 2007:

18. The following information is provided for the year ended 31 December 2006:

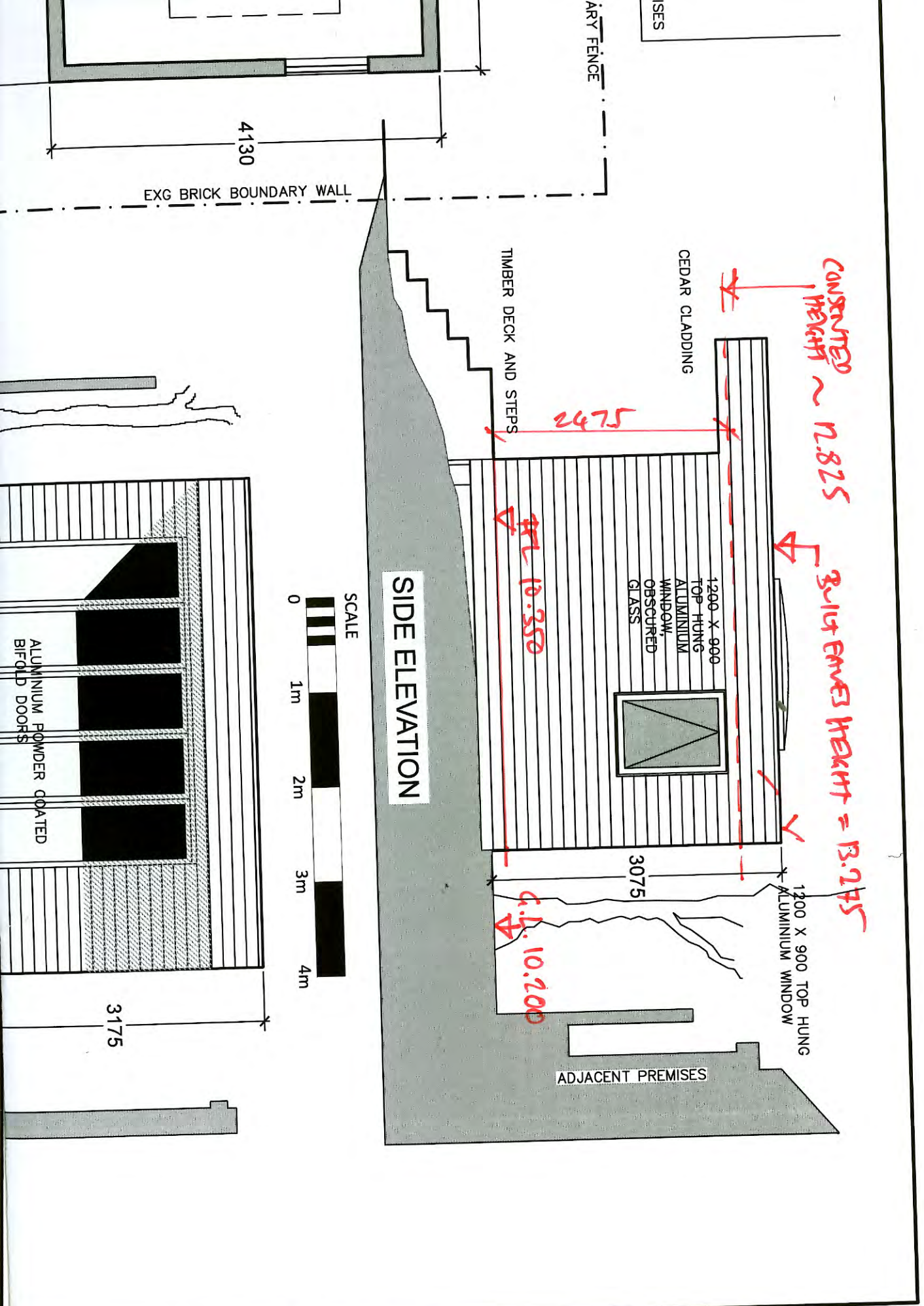
19. The following information is provided for the year ended 31 December 2005:

20. The following information is provided for the year ended 31 December 2004:

21. The following information is provided for the year ended 31 December 2003:

22. The following information is provided for the year ended 31 December 2002:

23. The following information is provided for the year ended 31 December 2001:



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