

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 28<sup>th</sup> September 2009. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

<b>Delegated Report</b> Members Briefing		<b>Analysis sheet</b> N/A	<b>Expiry Date:</b> 28/09/2009
			<b>Consultation Expiry Date:</b> 09/09/2009
<b>Officer</b> John Sheehy		<b>Application Number</b> 2009/3168/P	
<b>Application Address</b> 22 Frognal Way London NW3 6XE		<b>Drawing Numbers</b> Refer to draft decision	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b> Extension to existing basement, conservatory extension at ground floor level, insertion of car lift to basement, introduction of green roof, lightwells, lantern light roof extension and associated works to existing dwelling house.			
<b>Recommendation:</b>	Grant conditional permission		
<b>Application Type:</b>	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>15</b>	No. of responses	<b>11</b>	No. of objections	<b>11</b>
Summary of consultation responses:	<p>No. electronic <b>5</b></p> <p>Site Notice displayed from 19<sup>th</sup> August to 6<sup>th</sup> September.</p> <p>Objections were received from the following properties: 15, 16, 17, 19, 20, 25, 26 Church Row; 11; 2 x 20 Frogнал Way; 4 Ellerdale Close.</p> <p>In summary the following concerns were raised:</p> <ul style="list-style-type: none"> <li>• Harm to conservation area;</li> <li>• Increased 'bulk and glitter' of proposed alterations;</li> <li>• Design does not preserve or enhance conservation area;</li> <li>• Existing roof form has value and should be retained: proposed roof form would be visually assertive and dominant</li> <li>• Impact on trees;</li> <li>• Increased water run off and possible flooding;</li> <li>• Impact of construction: a Construction Management Plan should be submitted, construction may affect access to neighbouring properties and garages;</li> <li>• Impact of construction noise;</li> <li>• Car lift could have noise impact;</li> <li>• Green roof should be correctly maintained;</li> <li>• Are 2 houses proposed on the site?;</li> <li>• Potential generation of on-street parking;</li> <li>• Impact on structure of original house and neighbouring houses;</li> </ul> <p><u>English Heritage</u> have stated that, although the site is in an Archaeological Priority Area, the proposal is unlikely to have any impact on archaeological heritage.</p>					
CAAC/Local groups comments:	<p>Frogнал Way Residents Association, "the existing hardstanding inside the property should be retained as shown on the drawings for manoeuvring and turning and not, for example, landscaped or built on... Following the recent grants of planning permission for No 18 Frogнал Way opposite this site, there is the possibility that these two developments may be undertaken at the same time. We also understand that construction works at No 4 and 7 Frogнал Way may be taking place during the early part of next year, and that the water mains in the road are scheduled to be replaced by Thames Water during 2010. For these reasons we believe it is essential for construction</p>					

traffic and parking to be controlled by means of planning conditions and / or a construction management plan secured by a Section 106 planning obligation.”

Church Row Residents Association: concerns raised about danger to trees; impact of the proposal on the “water table”; and effect of light on properties overlooking the site.

Heath and Hampstead Society comment: concerns raised about car lift on noise grounds; forecourt area at road level should be designated as parking and/or tuning space; construction management plan is essential due to the vulnerable gravel surface to Frogna Way.

Hampstead CAAC comment: “proposed curved glazed area could offer an unwelcome aspect of light pollution to the backs of properties along Church Row; proposal could be problematic in hydrogeological terms; any trees lost should be replaced.”

## Site Description

A single storey detached dwellinghouse located at the end of Frogna Way, a gated cul-de-sac. The house is located on a generous plot with a large garden to the rear containing an open air swimming pool. The house dates from the mid 1970s and was designed by Phillip Pank, a prominent local modernist architect and painter. The complex plan of the house is noteworthy; it has a central rotunda at its entrance with three wings or “fingers” that radiate from the rotunda to the sides and rear. The garden contains three mature trees (Beech, Lime and Willow) all covered by TPOs. The site is located within Hampstead Conservation Area.

Frogna Way is characterised by low density development of single family dwelling houses, an abundance of mature vegetation, an informal street layout and a wide un-adopted road with a crushed gravel surface, all of which, contribute to the semi-rural quality of this local area. The grain of development is distinct from other areas of Hampstead.

This site is highly prominent in views from all sides. Its location at the end of the street and adjacent to a public footpath as well as the marked change in topography from Church Row down to Frogna Way mean that it can be seen from both private areas and the public realm. The siting and design of the single storey house on the site ensure long views up to the listed terrace of Church Row. Much of the surrounding area is a mix of residential building types and styles from different periods, many of which are listed (Grade I, II\* and Grade II).

## Relevant History

**April 2008** Erection of 2 x two-storey single-family dwellings together with basement parking and associated landscaping following demolition of existing house, garage and swimming pool, ref. 2007/3790/P & 2007/3791/C. The Council would have refused this application however an appeal against non-determination was lodged by the applicant.

**October 2008** appeal against non-determination of the application dismissed by the Planning Inspectorate.

## Relevant policies

### Camden Replacement Unitary Development Plan 2006

- SD1 – Quality of Life
- SD6 – Amenity for Occupiers & Neighbours
- B1 – General Design Principles
- B3 – Alterations and Additions
- B7 – Conservation Areas
- B8 – Archaeological sites and monuments
- B9B – Local Views
- N5 - Biodiversity
- N8 - Ancient woodland and trees
- T9 – Impact of parking
- T12 – Works affecting highways

### Camden Planning Guidance 2006

## Hampstead Conservation Area Statement

### Assessment

**Proposal:** the following are the principal alterations proposed:

- extension to the existing basement area underneath all three 'fingers' of the building, including excavation of a swimming pool under the eastern 'finger' and creation of a lightwell between the eastern and northern 'fingers';
- conservatory extension at ground floor level between the eastern and southern 'fingers';
- existing door and rear wall to the garage to be removed;
- insertion of a car lift to basement;
- existing front porch to be removed;
- introduction of green roof to all roofed areas;
- insertion of lantern light roof to eastern 'finger';
- infilling of the existing open air swimming pool in the rear garden.

### Assessment

#### Design and impact on the Conservation Area

This proposal follows dismissal at appeal of a previous scheme to demolish the building and redevelop the site. The Inspector agreed that the existing building makes a positive contribution and should be retained. This application retains the building and seeks to update and extend the accommodation as well as improving its relationship with the rear garden and its appearance as a dwelling from the street.

The key design concept of the existing building is its sensitive integration into the landscape (natural and historic) achieved through its radial form of fingers which break up the footprint; its low lying form which does not impinge on views up to Church Row or from St John's Churchyard, the extensive use of timber and brick, and the way that vegetation and garden retains a dominance on the site.

#### *Excavation of basement*

It is proposed to extend the existing subterranean space which varies (due to the topography) from crawl space to full height space under the footprint of the house. This will be extended in depth to

accommodate a single storey of residential accommodation.

The most significant expression of this will be to the rear where an additional storey of accommodation will be visible beneath the 'southern finger'. Here a small section of lower ground floor elevation exists already with an external door to the garden, and this will be extended in matching brickwork, with three sets of french doors and a window. The fenestration will follow the proportions and appearance of the existing fenestration on the building. Whilst this extension does change the appearance of this elevation quite substantially, this view is not one that is clearly visible due to the close proximity to the site boundary. The topography falls away steeply to the south west and this results in the building appearing perched on the hillside, with the inevitable appreciation of greater height. It is considered that it does not have any detrimental impact on the overall appearance of the building or its contribution to the conservation area.

An additional visible expression of the basement is to the northern 'finger' where the lower level will be visible in views of its eastern elevation. This has been designed to be screened and separated from the existing ground floor accommodation by virtue of a low brick wall around the basement area, and a plinth to the ground floor accommodation, so that this will still be read as being only single storey. Whilst the upper parts of the basement windows may be visible from the higher properties on Church Row, and from within the garden of 22 Frognal Way itself, it is not considered that this harms the original design intention of the house itself. (In fact Pank's original plans showed external staircases leading down to basement accommodation in much the same way so an appreciation of a lower storey was part of the original concept).

The basement will also provide car parking accessed by a car lift to the front.

#### *Lantern on eastern 'finger'*

The addition of a lantern rooflight along the length of the eastern finger seeks to improve the internal ambience of this space and give it an elevated hierarchy in relation to the other fingers. The design is in keeping with the existing building in terms of material and profile, the additional height and flat roof will add some variety and play between the flat roof planes as they currently exist, and will not change the nature of this element of the building significantly.

Green roofs are proposed for the all the flat roofs this is considered to be an improvement over the existing asphalt, and will enhance the visual dominance of vegetation on the site, particularly when viewed from Church Row properties.

#### *Conservatory infill between southern and eastern 'fingers'*

In aiming to improve the relationship with the garden the applicant has not altered the door and window openings on the existing elevations, but has instead added a fully glazed conservatory between these two fingers. The fact that it does not completely infill this space but creates an open courtyard in the inner area closest to the rotunda will prevent it from obscuring the original form of the house, particularly when viewed from Church Row properties. This is considered to be an acceptable addition to the existing building and the desire to improve the buildings relationship with its garden is appreciated.

Concerns were raised about the impact of light spill, which could have a significant and harmful impact on the character of this and neighbouring gardens at night time, and hence on the character of the conservation area. Garden space and the churchyard make an important contribution to the verdant and semi-rural character of this part of the conservation area, and this would be harmed by excessive lightspill at night. The applicants have therefore provided details of glazing to all new glazed areas (both external elevation of the conservatory and lantern roof light) that becomes opaque during hours of darkness. This will filter out the vast majority of light from inside the building and is considered to sufficient to deal with the impact on the garden area, and the surrounding area. Details of the glazing system are required by condition.

#### *The rotunda coping*

This is currently brick on edge with lead coping and it is proposed to be replaced with stone coping. As well as dealing with the existing messy detailing, this will add an eye catching marker to this central element and improve the legibility of the structure. The applicant has revised the drawings to ensure that the coping is been slimmed down to reduce its height – this is considered to be an elegant addition to the rotunda.

#### *Removal of porch and garage*

No objection is raised to the removal of these non original items and the related alterations.

#### *Design conclusions*

The appeal considered a number of alterations that had been undertaken to the building, including to the southern finger, to window frames, and by the addition of the front porch. The Inspector noted that such changes did not undermine the purity of the original design, or undermine its identification as a building that makes a positive contribution. Similarly, these proposed changes, whilst more extensive, are considered to be sensitive and to preserve the design concept of the existing building in terms of its form, relationship with the landscape and sensitivity to the setting of the historic buildings in the vicinity, whilst updating it to provide the quality of accommodation that one would expect to find in this location.

#### Transport

##### *Off-street parking*

The site currently has a garage and an area of hard standing to the front, which could also be used for parking up to 2 cars. In addition Frognaal Way is a private road and the Council has no control over parking there. The proposals involve excavation and the remodelling of the existing garage to provide a car-lift.

In theory it might be possible to park a car on top of the car lift when it is down and have a car stored in the basement on the car-lift, thereby increasing parking provision by one space. However, the

applicant is proposing to landscape the top of the car lift and retain the existing car-port style roof. This would effectively prevent a car from being parked on-top of the car-lift. Therefore, there is no proposed increase in the number spaces at this site and the proposals are acceptable in terms of compliance with Camden's parking standards.

### *Construction Management Plan (CMP)*

A CMP outlines how construction work will be carried out and how the works will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption, avoiding dangerous situations and minimising the impact on local amenity. A CMP should cover both the demolition and construction phases of development.

A CMP will need to be submitted and approved before any works start on site, and approval should be secured via condition. Camden's current practice is to secure CMPs by S106, however in a recent appeal decision for 18 Frogna Way (which also involved the excavation of a large basement), in which the use of condition or a S106 Agreement for securing CMPs was specifically debated it was concluded by the Inspector that a condition would be sufficient as Frogna Way is a gated private road and the occupier would have control over this land.

Given the recent Inspector's decision, it is considered that in this instance a condition should be attached requiring submission of a Construction Management Plan. The condition will need to relate to a schedule that is attached to the decision notice as an informative so that the applicant is fully aware of what is expected to be considered as part of the CMP.

### Landscape

A Tree Survey Schedule has been provided with the application. Given that the footprint of the building would not be enlarged (but would be extended downward) Camden's Landscape Advisor has confirmed that the trees to the rear of the site will be protected sufficiently as set out in the Tree Survey Schedule. However, a condition has been attached requesting specific details for tree protection throughout the construction phase.

Section drawings for the proposed sedum roof have been provided, however these are not considered to be adequate to ensure the long term maintenance and health of the roof due to the depth of the sedum blanket and the lack of details with regard to plant species. Further details of the species, substrate depth and maintenance are required by condition.

### Artificial Light

No direct light would penetrate to the habitable rooms of any of the surrounding properties and the glare of the light from the conservatory and roof lantern is considered to be satisfactorily attenuated by means of the following: the opaque glass proposed to the new features; the topography of the site and its surroundings; and the generous vegetation to the rear and side of the site. Furthermore the properties on Church Row, Frogna Way and Ellerdale Close are located sufficiently far away from the



property to prevent seriously loss of amenity by light pollution.

### Other issues

As the proposal does not involve the addition of any built space above basement level (apart from the low rise roof lantern) the proposal does not raise any amenity issues for neighbours and is consistent with policy SD6.

Objectors raised concerns about the potential impact of noise from the car lift (with capacity for 1 car) on residential amenity. This lift would be supplied by Wöhr, a reputable supplier, and is designed to be installed within a residential development. The lift would be electrically operated and would contain sound attenuation measures. There is not considered to be any convincing case to suggest that this car lift would cause excessive or frequent noise to the detriment of neighbouring amenity.

Objectors to the proposal expressed concerns with the potential structural impact on the application property and surrounding properties due to the excavation of the basement. These are not material planning considerations. An informative is attached to the decision notice stating the owner may be required to liaise with the Council's Building Control section regarding structural matters arising from the proposal.

The loss of permeable surface area on the site as a result of the proposal would be minimal as the majority of the excavated area would be located underneath the existing building; and the areas between the 'fingers' are already substantially hard-landscaped. The proposal would retain a sizeable soft-landscaped rear garden. For these reasons the proposal is not considered to cause significant harm to water drainage on the site, furthermore the site is not located within a known area of flood risk. Camden Planning Guidance states that "For larger proposals, or proposals with complex water cycle systems or likely flooding issues, the Council may require a Hydraulic assessment". It is not considered that the proposal would result in flooding or cause significant harm to water drainage on the site and a hydraulic assessment is not considered to be necessary in this instance.

Objectors to the proposal state that the proposal would result in extra noise which would disturb the living conditions of neighbouring occupiers. However, since the proposed use of the basement would be residential and part of an enlarged single dwellinghouse, the proposal is not considered to have the potential for increased noise disturbance. The impact of construction noise on nearby residents is not a material planning consideration and is not covered by planning legislation but is subject to control under Environmental Health legislation, namely the Control of Pollution Act 1974 which sets out the approved hours of construction for works that can be heard at the boundary of a site. As this issue is not a material planning consideration it cannot be used to justify refusal of a planning application or the imposition of conditions on a planning permission limiting the hours of construction. An informative is attached to the decision notice informing the applicant of the permitted hours of construction and demolition.

### Conclusion

The proposal complies with the policies and guidance contained in the UDP. There are no grounds for refusal of the application and it is therefore recommended that planning permission be granted.

**Recommendation:** Grant conditional permission