

Delegated Report		Analysis sheet		Expiry Date:	25/04/2011
Members Briefing		N/A		Consultation Expiry Date:	31/03/2011
Officer			Application Number		
John Sheehy			2011/0924/P		
Application Address			Drawing Numbers		
22 Frognal Way London NW3 6XE			Refer to draft decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Replacement of existing external brickwork of existing residential dwelling with custom manufactured bricks as an amendment to planning permission granted 28/09/2009, ref. 2009/3168/P for 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.					
Recommendation:		Grant conditional permission			
Application Type:		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	14	No. of responses No. electronic	9 3	No. of objections	6
Summary of consultation responses:	<p>Site Notice displayed from 4-3-2011 to 25-3-2011. Press Notice displayed from 10-3-2011 to 31-3-2011.</p> <p>Objections received from the following properties on Church Row and Frognal Way. In summary the following concerns were raised:</p> <ul style="list-style-type: none"> • Proposal tantamount to a rebuild of classic house with potential for variation to result in demolition; • “Veiled attempt to take the building down and rebuild it”; • Entire building should be retained; • Issue of demolition dealt with at previous appeal – judgement was that the house had to stay as it was; • Only evidence of poor quality brickwork is below ground. The above-ground brickwork is not notably of high quality but, as part of the property as a whole, this brickwork makes a contribution to the character and appearance of the Conservation Area, a position which has been upheld at appeal; • Existing brickwork not as poor as is claimed; • Request that planning officers ensure that there are no alterations to the height of the building or the footprint or the existing size and position of the windows and doors; • To change the brickwork would be to alter the original intention of the architect; • Any mismatch of bricks would be at rear elevation and therefore not of major consequence; • “We remain concerned about the excavation on 2 magnificent trees”; • Very surprising that applicants were unaware of the poor quality brickwork at lower level at the time of the recent successful application; • Any permission for rebuild needs to be strictly conditioned or dealt with by Legal Agreement to prevent demolition; • “The applicants have discovered... that the cost of replacing the below-ground brickwork to reasonable health and safety standards is (as they see it) too high in relation to the anticipated increase which the works will make to the value of the house. On this basis, they are in effect putting in a completely new application – which does not respect the Conservation Area, but in fact seeks substantially to change the appearance of the house”. <p>The occupiers of the following property wrote in support of the application: 16 Perrins Walk and 20 Perrins Walk; and 3 Ellerdale Close.</p>					
CAAC/Local groups comments:	<p>Frognal Way Residents Association, objection:</p> <p>“1 - While the applicant describes the proposals as <i>Replacement of all external brickwork</i>, it is hardly to be expected that the internal walls will be retained during this exercise, or that the roof will be propped and retained while the walls are replaced. Hence the effect of these proposals will be the demolition of the existing house in its entirety; and we agree with the council's assessment of the proposals as demolition or substantial demolition, and not partial demolition in the sense used in the <i>Shimizu</i> case.</p> <p>2 - In his decision on earlier appeals in 2008 (APP/X5210/A/08/2069663 and APP/X5210/E/08/2072992), the inspector determined that:-</p> <p><i>In respect of Appeal B, I conclude that the existing building makes a positive contribution to the character and appearance of the Hampstead Conservation Area and that its demolition would harm the character and appearance of the area..... The proposal fails to comply with guidance in PPG15 or with UDP policy</i></p>					

and, for these reasons; I conclude that the Appeal B should fail and that conservation consent should be refused.

3 - Since the inspector has made this determination quite recently and notwithstanding all the arguments advanced against it (which appear again in this application), a grant of planning permission would be directly contrary to LDF Policy DP25.

4 - Since the proposals would be directly contrary to these policies, in our view the council has no alternative but to refuse the application.

5 - The advice of Ellen Wiles contends that permission could be granted; but this is predicated on the assumption either that the proposals are not demolition or that exceptional circumstances apply (Paragraphs 39-41). The test for exceptional circumstances relates to the guidance in PPG 15 which the inspector has already determined are not complied with in relation to the proposed demolition.

6 - While the problems encountered with the below ground brickwork are no doubt unfortunate for the developer, such problems are by no means unusual in work to existing buildings, even those of comparatively recent date; and they could have been discovered at an earlier stage by site investigation or inspection of the existing undercroft from the inside. While doubtless more difficult than demolition and rebuilding of the property, the partial reconstruction of walls in an existing building is not an unusual procedure, nor need it be hazardous to health and safety.

6 - Were permission to be granted in this instance, it would set a precedent for other cases where applicants might seek to demolish buildings making a positive contribution to the conservation area, rather than repair and refurbish them. In connection with the various design related arguments advanced, it should be remembered that the building has been assessed as making a positive contribution as it is; and not as it was intended to be, or others think it should be.

8 - The planning history of the site is relevant; the developer originally wished to demolish the existing house and build two new ones, a proposal refused at appeal in 2008. Earlier still, it was proposed to build four houses on the site of No 22 and adjoining land (see 2006/5810/P 20 Perrins Walk NW3 6TH). Permission for the demolition of the existing house at No 22, could be the prelude to reviving such proposals, to the overall detriment of the conservation area.

9 - The application is described as 'related' to 2009/3168/P but there is no reference to the Construction Management Plan (CMP) required by Condition 5 of that permission and approved under reference 2010/0915/P. Furthermore the CMP, while agreed with the council, has not been complied with in all respects during the excavation works, possibly because no main contractor has yet been appointed. Accordingly the requirement to comply with the CMP should be included as a condition (or failing this, an informative) attached to any further permission granted."

Site Description

A single storey detached dwellinghouse located at the end of Frognal Way, a private 1-way road. The house is located on a generous plot with a large garden to the rear. It 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 (CA).

Frognal 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 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 Froggnal 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.

September 2009 Planning permission granted for 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, ref. 2009/3168/P.

September 2010 Application for removal of existing facing brickwork and re-cladding of existing residential dwelling (Class C3) with 'Roman' proportioned bricks in connection with planning permission reference 2009/3168/P (granted 28/09/2009) for the excavation and enlargement of a basement including fenestration alterations withdrawn by the applicant, refs. 2010/2938/P and 2010/4277/C.

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS14 Promoting high Quality Places and Conserving Our Heritage

DP24 Securing High Quality Design

DP25 Conserving Camden's Heritage

DP26 Managing the impact of development on occupiers and neighbours

Hampstead Conservation Area Statement

Camden Planning Guidance 2011

London Plan 2011

Assessment

Proposal: replacement of existing external brickwork of residential dwelling (Class C3) with custom manufactured bricks as an amendment to planning permission ref. 2009/3168/P dated 28/09/2009.

Background

The original design of the house, dating from the mid 1970s was largely informed by the ground levels of the site and included sweeping drops in level from the highest parts of the site at the boundary with the Church Row properties down to the lowest parts of the site between the "fingers" of the house. The building was to have a visible basement level. However, Phillip Pank the architect, was not involved in the construction of the house and important elements of his design were omitted. These include the landscaping at the lower part of the site where the house is located: this was levelled and the house was constructed as a single storey structure without a visible basement.

Permission was granted in September 2009 for excavation to provide a visual and habitable basement level to the property.

When excavations were carried out as approved under the 2009 permission these exposed poor quality, discontinuous brick faces below ground level which did not match the brick on the above-ground parts of the building. The below-ground brick included random batches of low quality brick, including engineering brick and recycled brick, with poor quality mortar and pointing.

This application is a resubmission, in revised form, of the application withdrawn by the applicant in September 2010 for brick re-cladding. During the course of this application officers raised concerns about the brick sample proposed and about the approach taken which, in the absence of evidence or justification to the contrary, may have resulted in part-demolition of the existing building.

Since the withdrawal of the application the applicant has worked with Camden's Conservation and Design Officers and Planning Officers to develop the proposal. The current application is accompanied by a method statement for re-cladding of the external of the external brickwork. Significant research has been undertaken by

York Handmade Brick Company in order to create an acceptable brick.

Assessment

The Council's design policies are aimed at achieving the highest standard of design in all developments and preserving the architectural quality of buildings. The Council's policies for developments in a Conservation Area are aimed at preserving and enhancing the special character and appearance of the area.

Removal of brick

The applicant has submitted a "Method Statement for Recladding External Brickwork Face to 22 Frognaal Way" prepared by Anthony Cahill of Pavehill PLC. This method statement sets out how the existing bricks would be removed and the new bricks added.

The building is constructed with a double skin, and it is proposed only to replace the outer brickwork skin by undertaking the systematic dismantling and rebuilding of the outer skin one wall at a time.

Under the proposed method statement the work of removing the existing bricks and installation of new bricks would proceed sequentially in line with a phasing programme outlined in this method statement. The brick removal/ recladding would commence at the southern portion of the building and would proceed anticlockwise, finishing at the rotunda. Existing bricks would be carefully removed by hand on sections of wall and new brickwork would be fully completed before work would start on the subsequent phases of the recladding. A condition is attached to ensure that recladding works are completed within 12 months of the decision.

The structure of the building, including the roof, eaves, fascia and windows openings which are to be retained, would be protected and supported as work progresses.

The method statement is a methodology for re-cladding the building: the essential structure would remain and as such this application would not comprise demolition. Compliance with this Method Statement is secured by condition.

Proposed brick

It was accepted by the Inspectorate that the building as it exists makes a positive contribution to the character and appearance of the CA. Specific mention was not made of the poor quality of the brickwork but it was highlighted that the building's form, external appearance, and particular response to its site are of significance.

The existing brickwork both above and below ground has been demonstrated to be of poor quality. It has had a colouring applied to darken the face of the red bricks, which is wearing off where the brickwork is exposed and weathered, leaving a patchy appearance. The brick below ground level, now exposed, is of very poor quality and does not relate to the above ground brick in terms of colour, texture, mortar type or pointing.

The applicants have undertaken detailed research into brick samples with specialists at York Handmade Brick Company. A variety of replacement bricks have been considered and viewed on site. The brick size proposed is an intermediate between the standard brick and true "Roman" bricks which are very thin and too elongated for the scale and proportion of this dwelling, and would be difficult to achieve an acceptable finish on the curved sections of the building. The proposed bricks utilise 3% manganese dioxide and 97% silica sand for the dye mix. The bricks were viewed on site by officers and the proposed brick, mortar and pointing are an appropriate shade and texture for the application building and context. Curved specials have been manufactured for the rotunda. The intermediate size proposed will not harm the architectural integrity of the building, and the proposed colour and texture of the brickwork is appropriate in this setting. Manufacturers details have been provided on the specification of the bricks and the method of pointing. These are included in the list of approved information to ensure that the applicant can only use the approved brick and mortar mix.

In light of the above the proposal would preserve and enhance the character and appearance of the CA.

Other issues

The proposal would not raise any neighbour amenity issues in terms of sunlight, daylight, outlook or privacy or other disturbance to neighbouring occupiers.

Recommendation: grant conditional permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 5th March 2012. For further information see

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