



Phillips Planning Services Ltd.

Town Planning and Development Consultants

PW/GH/063431
28 October 2016

Kate Phillips
London Borough of Camden
Development Control & Planning Services
Town Hall
Argyle Street
London. WC1H 8ND

Dear Kate

Replacement Dwelling at 115 Frognal Ref: 2016/5380/P

We act on behalf of Mr & Mrs Finegold, the owner occupiers of No.113 Frognal. No.113 stands directly behind No.115, only separated from its garden by a brick boundary wall.

Our clients object to the current application for the following reasons.

The principle of the demolition and rebuild

As the Council is aware No.115 stands within the Hampstead Conservation Area. Paragraph 14.9 of the Camden Core Strategy states that the Council has prepared CA statements and management strategies and it will:

“
.....take these documents into account as material considerations when we assess applications for planning permission and conservation area consent in these areas.

Under the section headed 'Guidelines' the Hampstead CA Appraisal Statement sets out on page 60 that:

*H5 The Council will seek the retention of those buildings which are considered to make a positive contribution to the character or appearance of the Conservation Area, **and will only grant consent for demolition where it can be shown that the building detracts from the character of the area.** Consent will not be granted for demolition unless a redevelopment scheme has been approved which will preserve or enhance the Conservation Area (see UDP Policy EN32 and SPG Demolition Guidelines).*

It is noted that as part of the pre-application advice (your email of 30 June 2016 to Mr Wagenfeld) this was drawn to the applicant's attention as follows:

*The Hampstead Conservation Area Statement (HCAS) notes that the Council will encourage the retention of those buildings which are considered to make a positive contribution to the character and appearance of the conservation area, **and will only grant consent for demolition where it can be shown that the building detracts from the character of the area.** **On this basis, the Council would strongly encourage the retention and upgrading of the existing building rather than its demolition.***

In a similar vein the supporting text to Policy DP25 'Conserving Camdens Heritage' at paragraph 25.8 states that before consent to demolish an existing building in a CA is granted:

*".....the Council must be satisfied that there are acceptable detailed plans for the redevelopment. **Any replacement building should enhance the conservation area to an appreciably greater extent than the existing building. When a building makes little or no contribution to the character and appearance of a conservation area, any replacement building should enhance the conservation area to an appreciably greater extent than the existing.**"*

To summarise, it is the Council's policy that permission to demolish and rebuild a dwelling in the Hampstead Conservation Area should only be granted where:

- It can be shown that the existing building detracts from the character of the area; and
- The replacement dwelling would enhance the conservation area to an appreciably greater extent than the existing.

In terms of the first element, it is clear that No.115 does not detract from the character of the area. The CA statement assesses its contribution as neutral. It is certainly not, and indeed the applicant does not seek to argue that it is a detracting building.

In terms of the second element, as is discussed further in this letter, it is our submission that the proposed replacement dwelling cannot in any reasonable assessment be considered to result in the enhancement of the conservation area to an "appreciably greater" extent than the existing.

Construction management / traffic

Although we object to the demolition and rebuild for the reasons set out above, should an amended proposal of enhanced design be deemed acceptable by the Council, the impacts of a demolition and rebuild scheme will need to be carefully managed. As was noted in your pre-application advice to the applicant we ask that a management plan for the site is provided and secured by legal agreement.

The scale, mass and design of the proposed replacement dwelling

In your pre-application advice dated 30 June 2016 you advised the applicant as follows:

*"Given the **prominent location** of the application site (i.e. elevated position adjacent to a road junction with wide views available towards the building), it is particularly important that any redevelopment of the site makes a positive contribution to the character and appearance of the surrounding area, in accordance with DP24 and DP25.*

*At the same time, despite the prominence of the application site, **it is a semi-rural, green setting and new development must respond sensitively to this.***

*In Hampstead, particularly in the conservation area, **the buildings are characterised by elegance, grace, restraint and modesty**, whereas it is considered that the proposed replacement building would appear too confident and too loud for its relatively quiet setting."*

You followed up this advice when commenting on amended proposals on 12 August 2016 to state:

*“Having thought further about the application site, we feel that the **ONLY** acceptable forms of development at the site would be a piece of exceptional contemporary architecture or a conservative and highly contextual house.”*

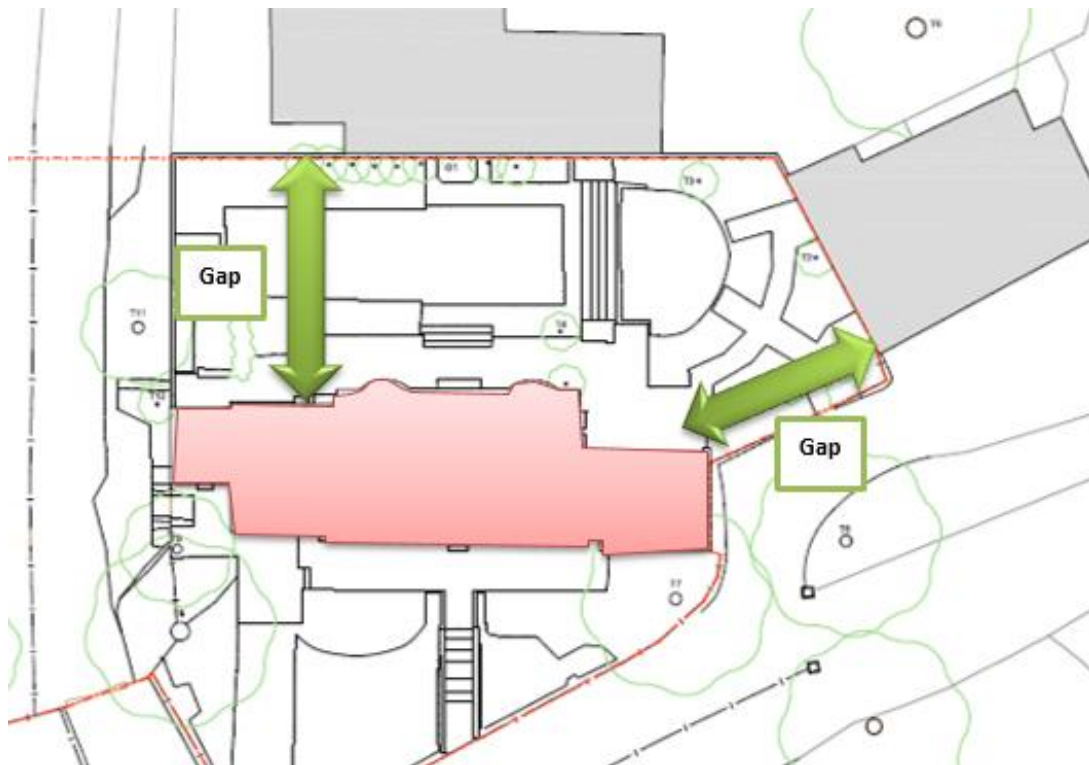
*Currently, the existing house is very open at the front and **it is considered that this open character is an important characteristic of the site and filling it in could result in harm to the character and appearance of the conservation area.***

Any proposal on this site needs to respond to this picturesque ‘woodland glade’ setting, the topography, existing trees, and be designed in such a way as to be acceptable and beautiful without needing to be masked by planting.

*.....it is important to make it clear to your client that we will **only allow the redevelopment** of the site if the replacement building **fully responds to and respects the special character of the Hampstead Conservation Area, and only if the design of the replacement building is exemplary.**”*

We consider that these matters you raised with the applicant by way of design guidance were sound but that the application proposals singularly fail to respond to this advice. In our view:

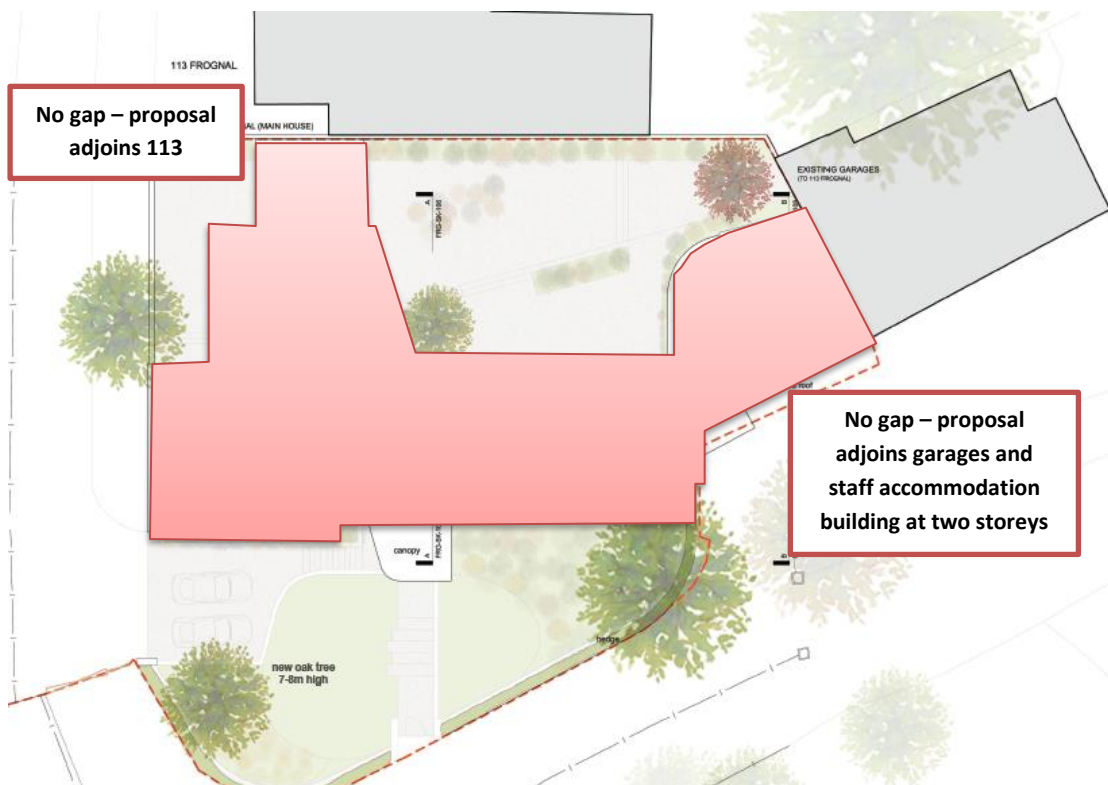
- It would be unreasonable to suggest that the proposal could be categorised as “conservative and highly contextual”. It is not and it would appear wholly out of character with its surroundings.
- Similarly, the design of the proposal cannot be considered “a piece of exceptional contemporary architecture”.
- The proposal disregards the identified open character of the site and the advice that by “filling it in could result in **harm** to the character and appearance of the conservation area.” The design does ‘fill’ the site completely joining our client’s property at No. 113 all the way through to 1 Oak Hill Way as shown.



Existing site plan showing the footprint of 115 and gaps to neighbouring built form



Photograph showing the gap between 115 and the garage block and staff building to the west



Proposed site plan showing additional footprint and the loss of the gaps with the plot filled to physically join the south boundary with No. 113 and the garage block to 113 and 1 Oak Hill Way

In summary therefore objection is raised in respect of the proposed scale, mass and design of the building which fails to preserve or enhance the CA.

It is considered that the 'filling' of the site in this way is out of character and represents overdevelopment. This is particularly the case given the largely two storey nature of the additional built form.

Loss of Mature Trees

A significant aspect of the sites character is its landscaped setting, in particular the two large trees which frame the dwelling to the east and west sides as shown below.



View of the site frontage and landscaped context

The application proposes to remove T8, the common Lime situated at the north east corner of the plot.

The submitted arboriculture report describes the tree as:

“Large, highly prominent tree on road frontage. Tapping base revealed highly decayed buttress on west side. Decay consistent with that caused by Kretzschmaria deusta, though no fungal fruiting bodies seen. Twin-stemmed from 5 metres - cavity has developed between stems and from ladder open cavity seen extending down stem by approximately 1 metre. Tree is retainable only with heavy reduction. Removal to facilitate development can be justified.”

The pre-application advice that you provided to the applicant on this matter was as follows:

“A Tree Officer has visited the site..... and notes that the large lime tree in front of the property (Tree 8) is a significant tree and contributes greatly to the character of the area. The Arboricultural Report states that the tree is in poor condition internally with extensive decay at the base and this is given as justification for its removal; however, due to its prominence and importance, further justification for the removal of this tree would be required if a formal application is submitted, for example quantification of the internal decay.”

As a general point it is submitted that there is no need to remove this tree. A design can be readily prepared either as an extension / alteration scheme or as a rebuild (if properly justified with a clearly better quality replacement being designed) without the need to remove the tree simply to provide parking to the side of the house.

Notwithstanding the lack of need, it is also highlighted the applicant has not followed the pre-application advice and provided greater justification in terms of quantification of any decay.

We highlight the submitted arboriculture report which confirms in paragraph 1.3.1 that:

*"I surveyed trees at a preliminary level only. The survey must not be substituted for a tree risk assessment report. **Detailed inspection including decay mapping, aerial inspections, root or soil analysis etc. was not undertaken.** In cases where I consider that further investigation is required I note this in the preliminary management recommendations column of the tree survey data."*

It is clear that a detailed inspection for the extent of the decay has not been undertaken. Objection is therefore raised in respect of the unnecessary removal of a mature tree which contributes to the quality of the area

New driveway from the lane

Related to the tree removal, and as set out above it is noted that the submitted plans provide for a new parking area at 115 to be accessed from the lane which serves the houses which face east onto Froggnal including our clients.

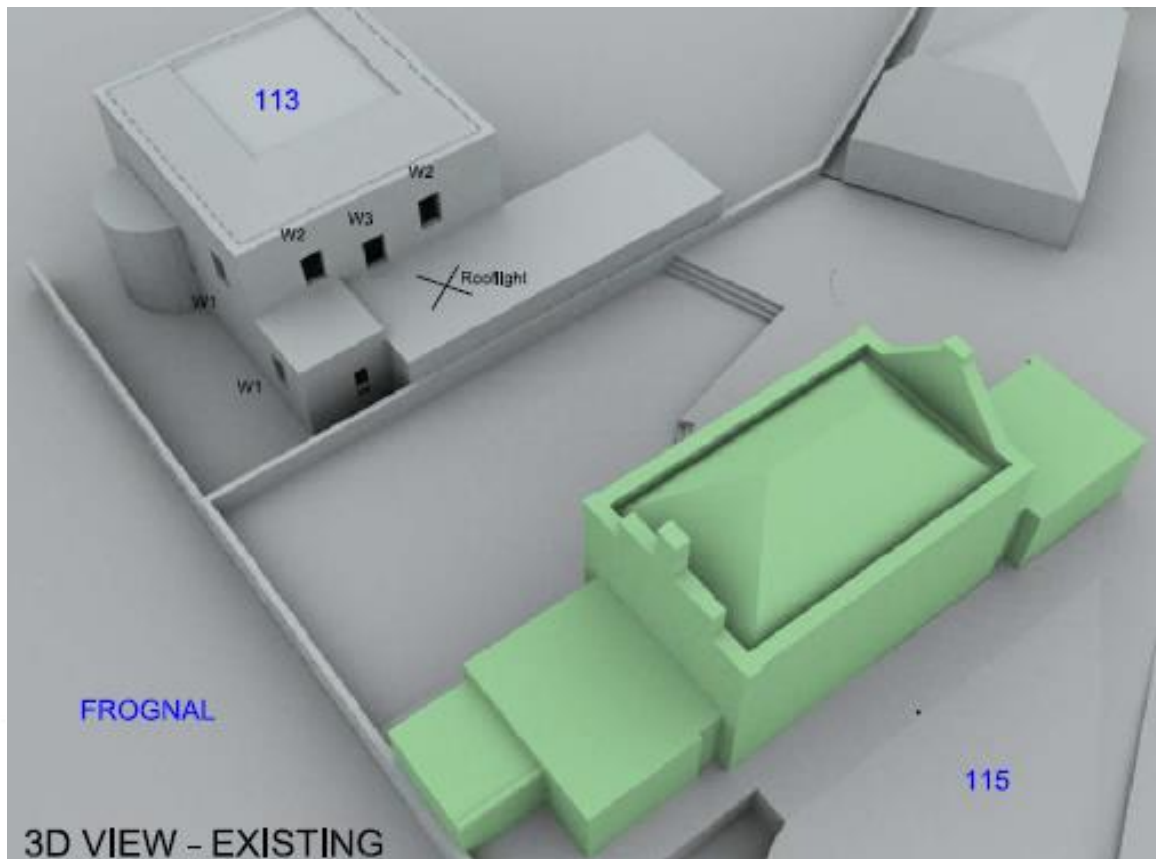
This is a quite a quiet, characterful, rural lane as shown below which would be harmed through the provision of a new driveway access onto it. Our client also holds concerns regarding the safety of vehicles backing out onto this lane with no visibility.



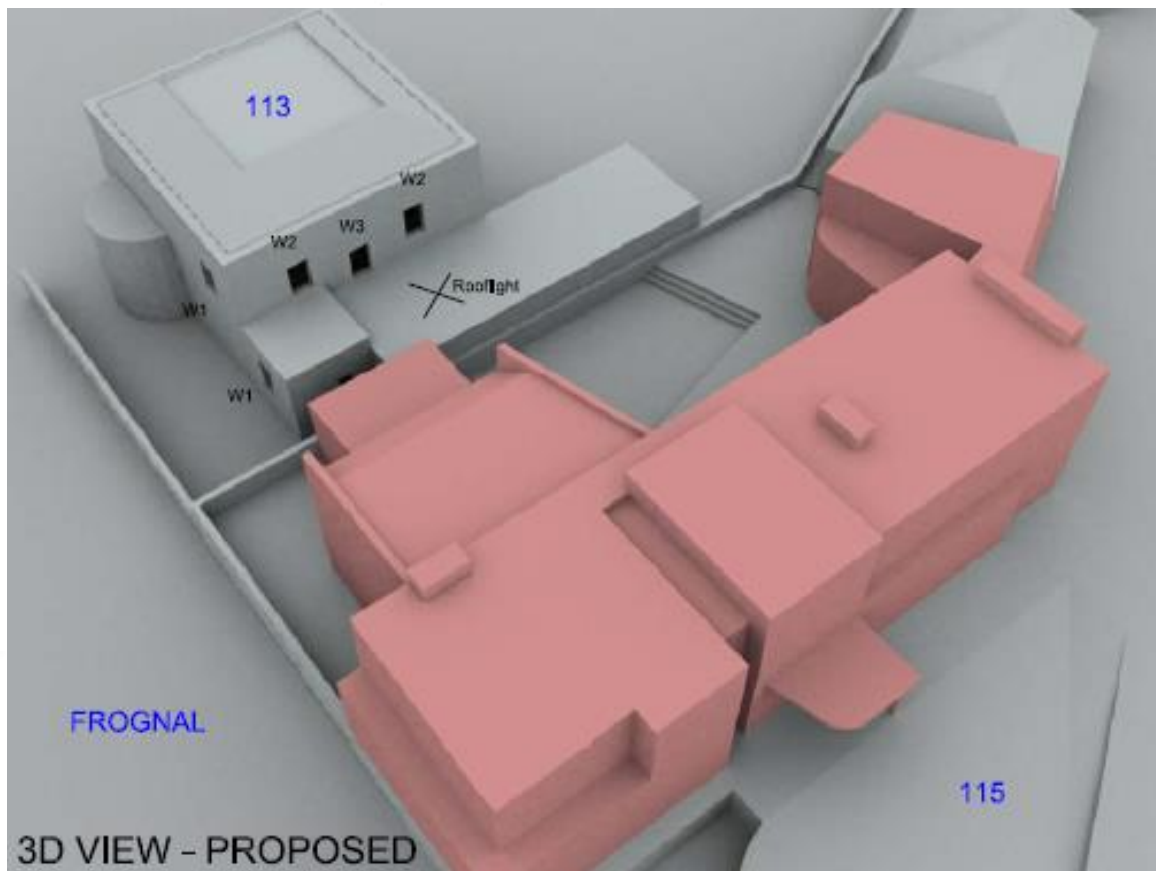
View along the lane showing proposed new side driveway / parking

Harm to the residential amenity of No.113

As is apparent from the existing drawings (and site view), the rear of No. 115 currently stands some 12 metres from the boundary with our client's property No. 113. This provides a sense of space and is part of the amenity enjoyed by No. 113 i.e. our clients do not currently feel dominated and oppressed by neighbouring built form. The relationship is perhaps best emphasised by reference to the 3D modelling which has been included within the submitted daylight, sunlight and overshadowing report.



Existing relationship showing generous separation



Proposed relationship with development directly adjoining the boundary.

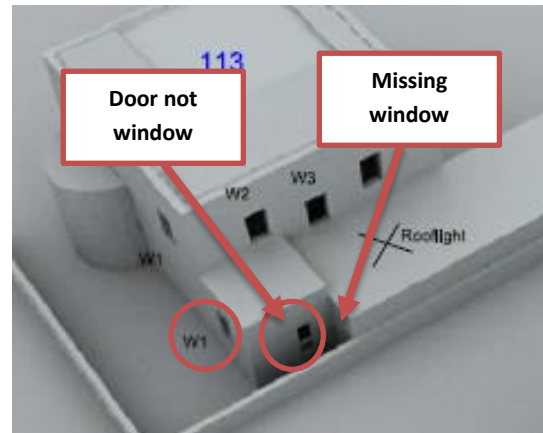
There is absolutely no need to propose such an obviously overbearing and intrusive extension such as this. The proposed property would still be of significant scale without this rear element added. This represents overdevelopment of the plot, the result of which is that it unreasonably impinges upon and creates an overbearing impact on 113.

The applicant may not be aware of this as it is noted that there are some factual errors in the light report in terms of the applicants understanding of this part of No.113 Frognal.

As will be noted from the 3D model, two windows are shown in the ground floor single storey element of 113. These are termed W1 and W2 in the light report and are circled opposite.

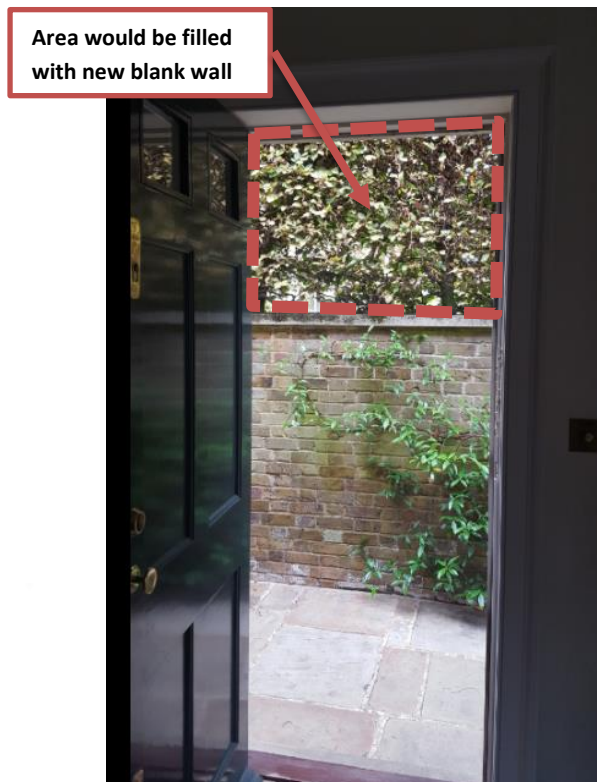
However, W2 is not a window it is in fact the main door to the property. This is used every day by our clients when entering and leaving the house.

The report also omits any reference to our clients oval window which again we highlight the position of opposite.



The light report acknowledges that W2 (albeit said to be a window rather than a door) fails the BRE light assessment test with around 60% of its vertical sky component (vsc) lost as a result of the proposal. The report rather dismissively however suggests that this should not be seen as problematic as it's secondary window to a non habitable room.

The following photographs are instructive:



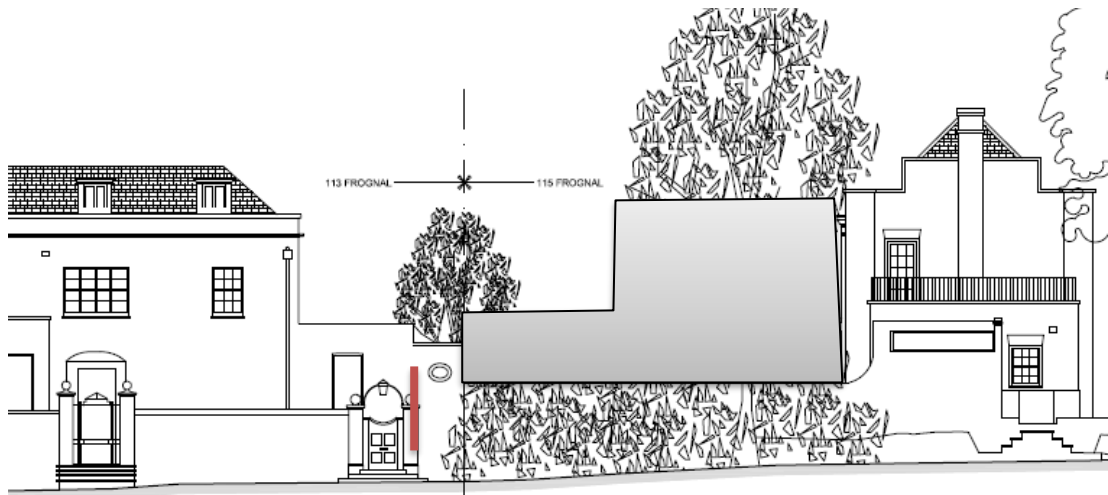
View from door toward boundary with 115



Oval window not considered in light report



View toward oval window at entrance to house



East elevation as existing with new mass / bulk shaded grey and front door noted red

There is very little to say in respect of this element other than it is simply a matter of fact that this relationship is so clearly detrimental to our clients that no reasonable case can be made that permission could be granted for it.

In addition to this ground floor relationship we also raise concern over the significant bulk and proximity of the proposed first floor projection to our client's bedroom window.

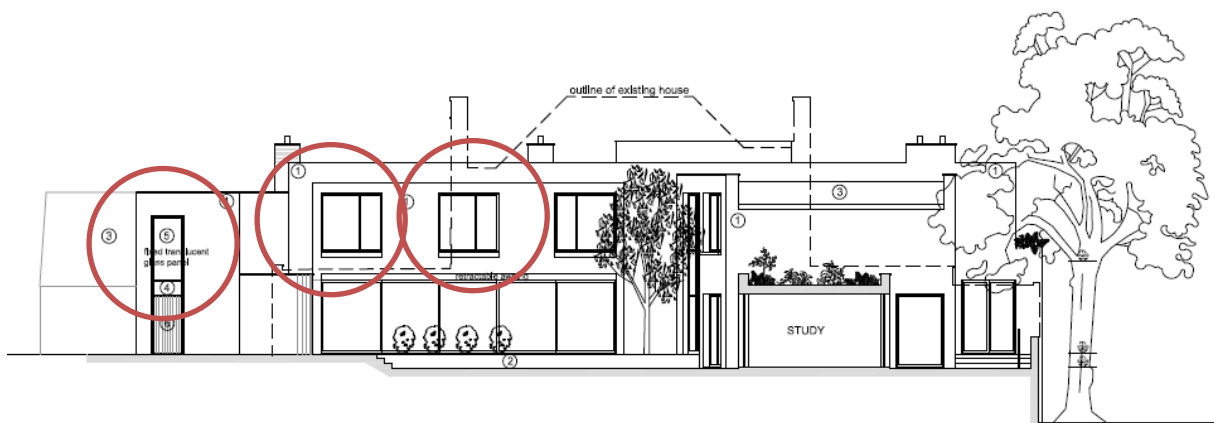


New massing at two storey level projecting toward 113.
5 metres from boundary, 10 meters from window

View from first floor of 113

Notwithstanding all that has been set out above these relationships are more than sufficient grounds to refuse this application.

The second direct impact is that of overlooking / perceived overlooking from the first floor of the proposed gym wing and the new first floor windows of the extended built form.



Southern elevation extract showing windows and panel



Photograph showing approximate roofline of proposed new dwelling (red) and proposed glazed panel to the first floor of the gym orange and new house windows (red)

The full length glazed panel is noted as being fixed and 'translucent'.

Whilst it is assumed that this means that the glazing would be treated to ensure that views could not be gained through it, the use of the term translucent is a little unclear. Generally the term 'obscured' or 'opaque' is used to emphasise that views through the glazing would not be possible.

Notwithstanding this the panel would be very obvious and prominent in views from the rear of our clients property and particularly their garden area resulting in a perception of overlooking even with an obscured treatment. If the gym was in use in the evening the panel would be lit causing an unwelcome lantern effect within what is currently and otherwise a 'dark' garden space. This panel would be only 3 – 4 metres from the garden boundary.

The proposed gym is shown to benefit from large windows facing east into the garden of 115. There is no need to add this panel to the south elevation and we ask that it is removed.

In addition the much wider first floor of the proposed replacement house would also results in a greater degree of overlooking than currently exists toward our clients garden area with new first floor windows as shown above in a location where there is currently an open gap.

Conclusion

In brief conclusion, our clients raise objection to the principle of a demolition and rebuild scheme as proposed. The existing house does not detract and the proposed replacement dwelling would not appreciably enhance the Conservation Area, it would detract from it.

The proposals will lead to the loss of a prominent tree of significant townscape value.

The proposed dwelling would completely fill the plot, running from the boundary with 113 Frognal all the way around the plot to adjoin the garage and staff accommodation building at the entrance to Oak Hill Way. The existing gaps and the sense of space that they provide would be lost to the detriment of the visual amenity of the Conservation Area.

Due to the excessive scale and mass of the proposed new dwelling it would significantly impinge upon the residential amenity of our clients by introducing an overbearing relationship and a loss of privacy through increased overlooking.

We trust that these points will be considered in the determination of this application

Yours sincerely,

Phillips Planning Services Ltd