



## Phillips Planning Services Ltd.

Town Planning and Development Consultants

PW/GH/063431  
15 February 2017

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**

As you are aware, we act on behalf of Mr & Mrs Finegold, the owner occupiers of No.113 Frognal. On 28 October 2016 we submitted comments to you on behalf of our clients raising objection to the proposals as originally submitted.

We are aware that Officers also held a number of concerns regarding the proposals and so raised these with the applicant which has resulted in the resubmission of amended plans.

This letter now provides comment on the amended plans.

### **The principle of the demolition and rebuild**

The latest proposals still comprise a demolition and rebuild scheme.

The applicant argues that this is acceptable in Policy terms as the existing building does not make a positive contribution to the Conservation Area (CA) and the proposed dwelling would represent an improvement. The applicant references the Hampstead Conservation Area Statement which categorises the existing dwelling as being a neutral building.

This approach ignores the advice set out in the section of the CA Statement headed 'Guidelines' on page 60 which states:

*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).*

Paragraph 14.9 of the Camden Core Strategy states that 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."

It is therefore simply a matter of fact that if the neutral assessment of the building as set out in the CA Statement is accepted, to then allow its demolition runs contrary to the guidance at H5 which states that demolition will only be permitted where buildings detract.

Although it has however been argued by the applicant the Council's CA Statement should be ignored as being out of step with more general CA policy, it is still necessary to justify demolition on the basis that the replacement would represent an enhancement. 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.**”*

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.

Again, the applicant seeks to argue that even this test is too onerous and all that is required is that the replacement building at the very least preserves the CA.

We respectfully disagree. Whilst its scale and bulk have been reduced from the original application submission (as discussed further below), it is still a substantially larger dwelling than the existing and we submit that as a result of this additional bulk it would not preserve the open, spacious, traditional character of this part of the Conservation Area.

### **Construction management / traffic**

Although our client objects 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**

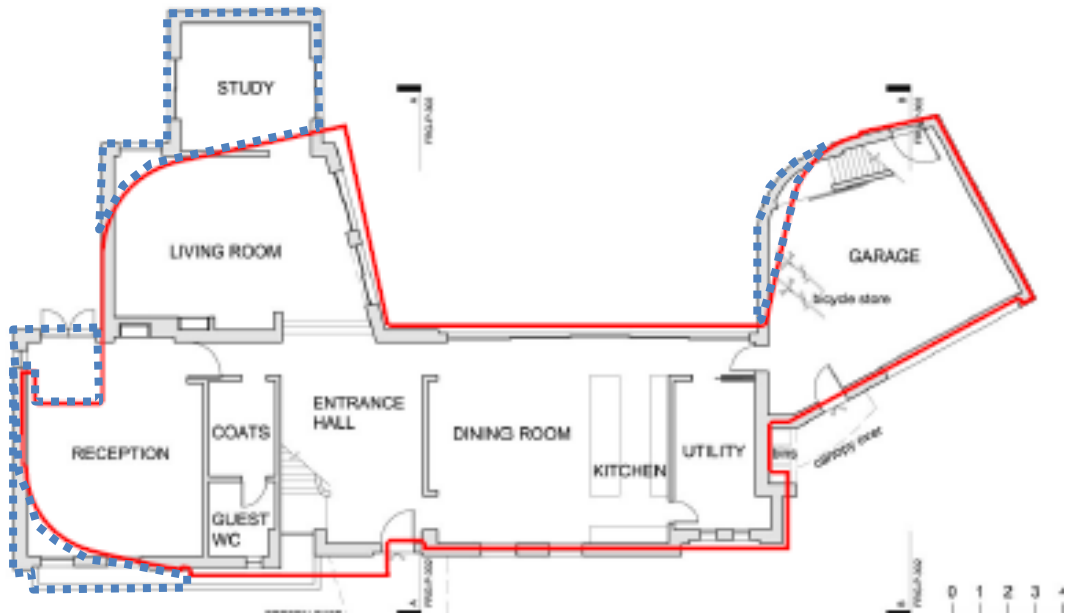
The amended plans do respond in part to the concerns that we and others had raised regarding the overall scale and mass of the built form proposed.

We say in part because at ground floor level there has been only a marginal reduction in the proposed footprint.

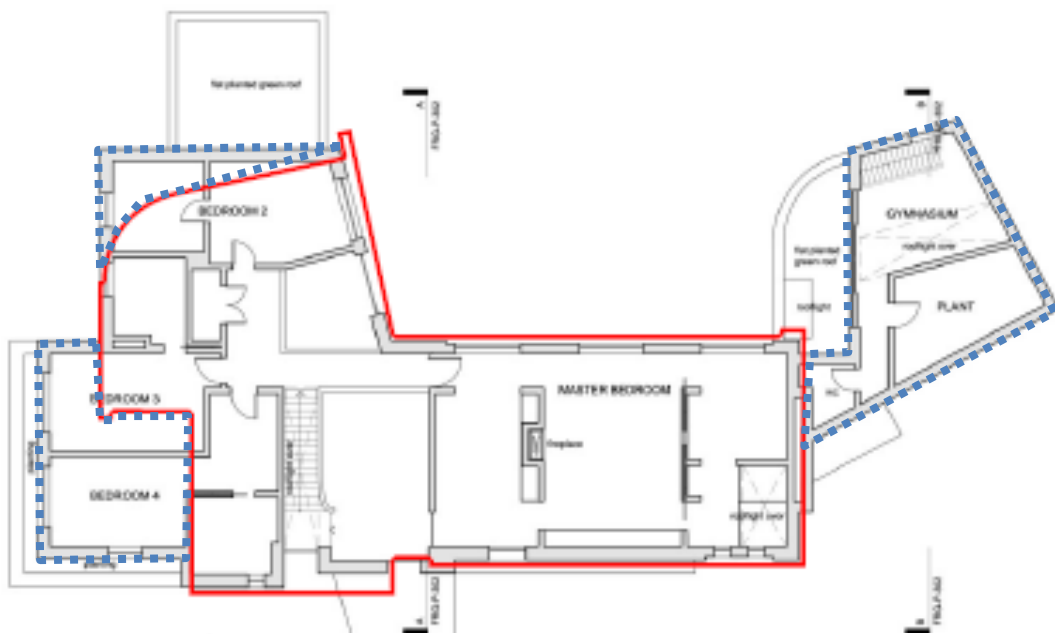
Essentially this has involved the removal of the rear study room (which would have had a dramatic and harmful impact upon our clients property), alongside some minor ‘tweaks’ to the north east and south east corners and the garage to introduce new curved elements.

At first floor level the previously proposed gym above the garage has been removed and the north east corner has been cut back. A curve has been introduced to the rear first floor projection resulting in a small reduction in bulk.

The plans on the following page show the original proposal with the new outline overlain in red and the elements removed shown in blue.



**Ground floor – red outline shows new footprint. Dotted blue line shows areas removed**



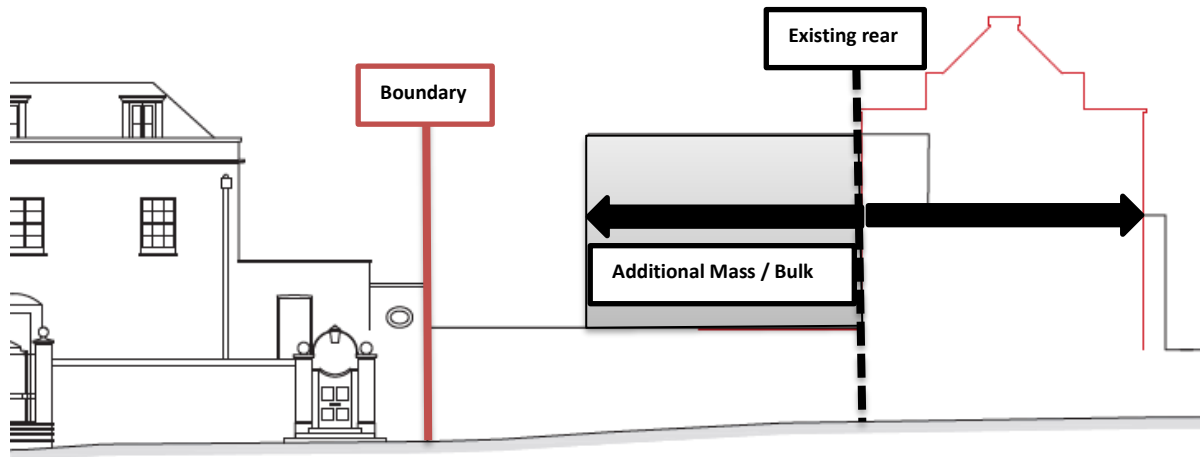
**First floor – red outline shows new footprint. Dotted blue line shows areas removed**

The reductions that have been proposed in terms of the mass at first floor level do represent an improvement when compared to the original proposal which effectively filled the whole site from Oakhill Way round to 113 Frognal.

However, two substantial areas of additional concern remain. These are firstly at ground floor level in terms of the extent of the garage to the west side which still completely fills the whole of the gap to the boundary and secondly the depth of the rear first floor projection toward No.113.

The proposed garage appears to scale at over seven metres in width, and could readily be reduced to retain a visual gap between it and the neighbouring garage block.

Most importantly however is the rear two storey projection. As shown below, this has not been materially altered (in terms of mass / bulk / height) from the originally submitted proposal.

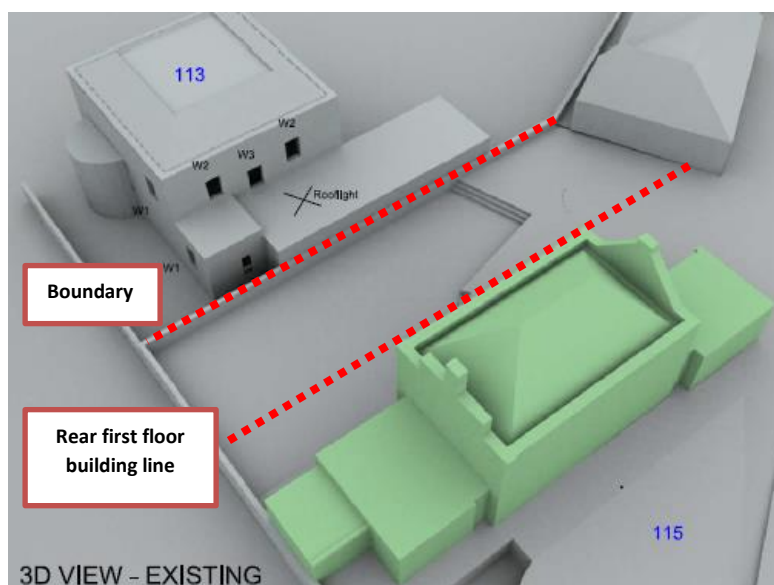


**Proposed additional massing compared to existing**

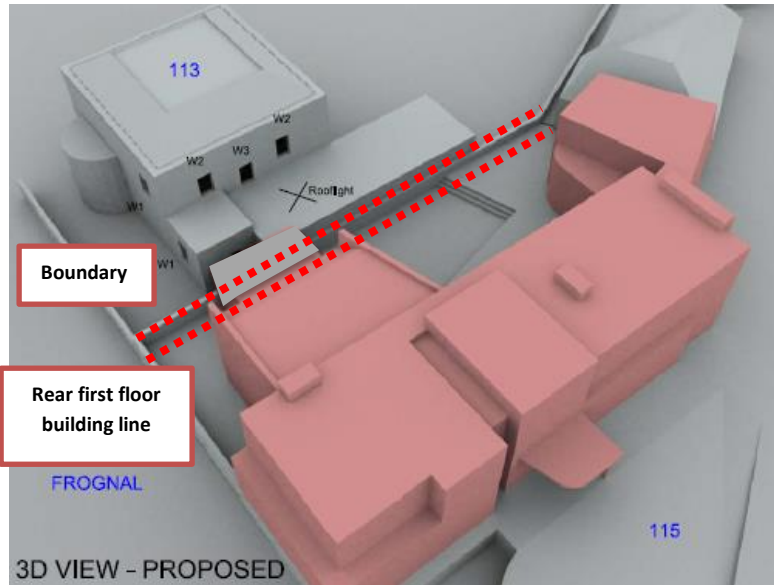
As shown above the rear two storey projection is approximately the same width / depth as the existing house, effectively doubling the mass visible from the lane. This element significantly closes the open aspect between the side of No. 113 and the rear of No.115 and would be extremely prominent and dominant in views. It also has a significant impact upon the amenity of No.113 as discussed below.

**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  
(3D model not updated in latest submission but first floor relationship remains constant)**



**East elevation as proposed with new mass / bulk of rear projection shown**

The first-floor element as proposed would be just 4.5 metres from the boundary and just 9.5 metres from the side elevation of No.113 as shown above and so would introduce significant bulk within close proximity of the first floor bedroom window of our clients property.

It is noted that the applicant has suggested that this relationship is reasonable given that the distance of the proposed first floor to the boundary would be broadly comparable with the distance between the side elevation of No.113 and the boundary.

It is considered that this is a fundamentally flawed comparison.

The relationship between No.113 and No.115 is side gable to main rear elevation. There is 5 metres between the main first floor element of the side wall of No.113 and the boundary. This is a reasonable relationship. However this does not mean that the 4.5 metres that the applicant proposes from the main rear elevation of the proposed house to its rear (not side) boundary is comparable or appropriate. It is always the case that houses are set much closer to their side than rear boundaries.

Clearly it would be inappropriate for the occupants of No.113 to propose an extension out across their rear garden to a depth of just 4.5 to 5 metres from their rear boundary with their neighbour on 1 Oak Hill Way. We have no doubt this would be resisted.



View from first floor of 113

The relationship would be overbearing and unneighbourly and we submit should be recessed further back from the boundary where it rises above ground level.

### **Loss of Mature Tree**

A significant aspect of the site's character is its landscaped setting, in particular the two large trees which frame the dwelling to the east and west sides as shown below. The application proposes to remove T8, the common Lime, situated at the north-east corner of the plot.

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.

It is noted that a new (updated) report has been submitted in support of the revised application proposal. This provides some additional information regarding the health of the tree.



**View of the site frontage and landscaped context**

Whilst the report again recommends removal of the tree it acknowledges that it could be retained if topped and pollarded to a height of around 7 metres. It is considered that this is much more preferable to total removal as is proposed as it would retain a significant presence on what is a prominent corner position.

### **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 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**

## **Conclusion**

In brief conclusion, our clients retain their 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 preserve or enhance the Conservation Area, it would detract from it. The proposal will also lead to the loss of a prominent tree of significant townscape value.

Whilst an improvement when compared to the original submission the proposal would erode the gaps which provide a sense of space around the existing dwelling and between it and its neighbours and this would be of detriment to the visual amenity of the Conservation Area.

Again, whilst the single storey element to the rear has been removed the first floor remains. Due to the excessive scale and mass of this the proposed new dwelling would significantly impinge upon the residential amenity of our clients by introducing an overbearing relationship.

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

Yours sincerely,

Phillips Planning Services Ltd