

Address:	115 Frognal London NW3 6XR		2
Application Number:	2016/5380/P	Officer: Kate Henry	
Ward:	Frognal & Fitzjohns		
Date Received:	30/09/2016		
Proposal: Erection of a 2 storey, 4-bed dwellinghouse following demolition of existing dwellinghouse, and associated landscaping works.			
Background Papers, Supporting Documents and Drawing Numbers			
FRG-P-001; FRG-X-100; FRG-X-101; FRG-X-300; FRG-X-301; FRG-X-302; FRG-P2-005; FRG-P2-006; FRG-P2-007; FRG-P2-100; FRG-P2-101; FRG-P2-102; FRG-P2-300; FRG-P2-301; Design & Access Statement (as amended); Heritage Statement (dated October 2016); Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement (dated 08/02/2017); Daylight & Sunlight Report (dated 28/09/2016).			
RECOMMENDATION SUMMARY: Grant conditional planning permission Subject to a Section 106 Legal Agreement			
Applicant:		Agent:	
Mr & Mrs Crocker Mount Vernon House Frognal Rise London NW3 6QR		Studio Mark Ruthven 92 Prince of Wales Road London NW5 3NE	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		289 m ²
Proposed	C3 Dwelling House		492 m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette				1					
Proposed	Flat/Maisonette				1					

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)

Existing	3	<i>n/a</i>
Proposed	3	<i>n/a</i>

OFFICERS' REPORT

Reason for Referral to Committee: Where the Director of Regeneration and Planning has referred the application for consideration after briefing members [Clause 3. (vii)]

1. SITE

- 1.1. No. 115 Frognaal is a detached, two storey, red brick, 1950's residential dwelling with accommodation in the roof space. The property has a single storey garage on its eastern side, with a roof terrace above accessed from one of the first floor bedrooms. There is also a single storey element on the western side (library). There is a sloping driveway leading up to the garage with room for 2+ cars.
- 1.2. The property sits on the top of a grassy knoll, just to the south of the junction with Oak Hill Way and it faces broadly north, with an open, public-facing grassed garden at the front (north) and a private garden to the rear (south). There are plenty of trees within and surrounding the application site, which give the area a rural character and appearance.
- 1.3. The application site is within the Hampstead Conservation Area. The building is not listed and it is identified in the Hampstead Conservation Area Statement (2001) as making a neutral contribution to the character and appearance of the conservation area.

2. THE PROPOSAL

Original

- 2.1. This application seeks planning permission to demolish the existing dwelling and replace it with another detached, two storey, 4-bed dwelling in the same position, plus associated landscaping works.
- 2.2. The replacement building would have an irregular footprint, with curved edges on many of its external walls. On the front elevation, the building would comprise of 3 main parts: (front left to right) curved single storey element, main section including entrance door with projecting canopy over, set-back element linked to the main section by a set-back glazed element.
- 2.3. The main part of the building (the north facing section) would measure 28 metres wide in total. A single storey garage would be attached to the right-hand-side (north-west) of the building; which would be set back from the front elevation of the building by 4.6 metres and it would extend outwards from the main building at an angle, to align with the road (Oak Hill Way).
- 2.4. At the rear, a two storey element with a curved outer edge would extend out from the rear elevation of the building at an angle.

2.5. The building would feature flat roofs. The main part of the building would have solar PV panels above. The single storey element at the side would have a green roof.

Revisions

2.6. The following revisions have been made during the course of the application:

- Single storey study at rear, abutting shared boundary with No. 113, has been omitted
- First floor gym, adjacent to shared boundary with No. 1 Oak Hill Way, has been omitted
- First floor massing on front left (north-east) corner has been reduced to single storey
- Omission of various horizontal and vertical setbacks on front elevation
- Addition of curved walls

3. RELEVANT HISTORY

115 Frognal

36052 - Alterations and erection of extensions at No. 115, Frognal – **Granted 27/05/1970.**

71156/20312 - The development of the site of the Lodge, Plot 6, "Frognal Grove", 115, Frognal, Hampstead, by the erection of a dwelling house and garage with facing materials as indicated in your letter dated 22nd March, 1955, and the formation of a new access to the highway – **Granted 19/04/1955.**

36022 - Alterations and additions to 'The Lodge', No. 115, Frognal – **Granted 20/09/1954.**

Nos. 105, 107 and 115 Frognal

35915 - Erection of five dwelling houses, the Council approves the details of a two-storey house at No. 7 Oakhill Way Hampstead – **Granted 02/12/1963.**

35957 - The construction of a new service road in the grounds of "Frognal Grove", Nos. 105-115, Frognal, Hampstead – **Granted 21/08/1954.**

35499 - Erection of a transformer chamber at the rear of Frognal Grove, Nos. 105-107-115, Frognal, Hampstead (adjoining existing garages fronting Oakhill Way) – **Granted 10/06/1954.**

35916 - The erection of an extension to the Lodge, 115, Frognal. Your application dated 31st December, 1953, regarding the elevational alterations of Nos. 105, 107 and 115, Frognal, forms the subject of a separate communication – **Granted 05/04/1954.**

34505 - The conversion of "Frognal Grove" Nos.105, 107 and 115, Frognal, Hampstead (to be known as "Montague House"), into four dwelling houses and the development of the garden by the erection of five dwelling houses – **Granted 15/01/1954.**

1 Oak Hill Way

2015/5165/P - Demolition of the existing house at No 1 Oak Hill Way and replacement with a new 6 bedroom house – **Granted 03/05/2016.**

2016/1695/P - Demolition of the existing house at No 1 Oak Hill Way and replacement with a new 6 bedroom house including new basement floor extension – **Granted Subject to a Section 106 Legal Agreement 21/11/2016.**

4. CONSULTATIONS

Statutory Consultees

4.1. None

Hampstead CAAC

4.2. No comments received (consultation end date 25/10/2016)

Local Groups

4.3. The Heath and Hampstead Society

Original Plans

- Oppose the replacement of a decent house, which makes a positive impact on the Conservation Area, by one of lower architectural merit.
- The existing house is a typical example of 1930's architecture, in the neo-Georgian style, well designed and detailed, and stands prominently on the corner of Oak Hill Way.
- It is described in the Conservation Area Statement as "neutral" in character; this is quite unfair: it makes a positive impact, and is perfectly in character with most of the Frognal area. Its demolition would be a loss.
- The proposed new house would not only be considerably larger in plan and bulk, but would close off the gaps between it and the two adjoining houses; it would thereby lose its detached character, and harm that of the adjoining houses.
- It is of a much lower quality of architecture, being neither Neo-Georgian nor modernist in style: a sort of hybrid.

Revised plans

- Revised design is indeed radically different from the originally submitted proposal, freeing it from the derivative architectural constraints of the first design. However, it does not fit the bill, of providing an acceptable substitute to the existing house, which contributes so notably to the character of our Conservation Area.

- The existing house dominates this corner of the CA; this fragmented form only detracts from it. Its architecture is in fact somewhat banal; its rounded corners sit uneasily into its overall concept.
- Perspective sketch submitted is misleading.

Adjoining Occupiers

<i>Number of letters sent</i>	0
<i>Total number of responses received</i>	13
<i>Number in support</i>	6
<i>Number of objections</i>	7

4.4. A site notice was displayed on 07/10/2016 (consultation expiry date 28/10/2016) and a notice was placed in the local press on 13/10/2016 (consultation expiry date 03/11/2016).

4.5. Following the submission of revised plans, a site notice was displayed on 26/01/2017 (consultation expiry date 21/02/2017).

4.6. The comments from nearby and neighbouring occupiers relevant to planning are summarised below:

Original plans

4.7. 6 objections were received from 107 Frognal, 109 Frognal, 113 Frognal, Well Walk, Heath Street, Lower Terrace

- Detract from conservation area
- Should only allow demolition where a building detracts from the conservation area / proposed replacement building would not improve or enhance the conservation area
- Prominent position of application site
- Doesn't reflect traditional character and countryside feel of area
- Modern architecture must respect its surroundings
- Overdevelopment / existing building does not fill the whole plot
- Scale, mass and design
- Loss of mature trees
- Overbearing and intrusive impact on No. 113
- Overshadowing to main entrance to No. 113 (at side of house)
- Overlooking (real and perceived) towards No. 113
- Impact of new driveway onto lane
- Detrimental impact during construction period

4.8. 3 letters of support were received from Redington Road, Rosslyn Hill, Holly Bush Hill

- Support the scheme
- Improvement to existing property in terms of design and style
- Existing house has no architectural benefit

- Other examples of contemporary buildings in the area

Revised plans

4.9.7 objections were received from 107 Frogna, 109 Frogna, 113 Frogna, Heath Street, Lower Terrace, Well Road, and Well Walk.

- Replacement dwelling doesn't fit with the area or its surroundings
- Scale is out of proportion with neighbours and current building
- Little difference to revised plans
- Would not result in enhancement to the conservation area
- Still a substantially larger dwelling than existing
- Still fills gap to side
- Still extends at rear towards No. 113
- Still overbearing to No. 113
- Loss of mature trees
- Impact of new driveway onto lane
- Detrimental impact during construction period

4.10. 5 letters of support were received from Heath Street, Oak Hill Way, Holly Bush Hill, Perkins Court, Rosslyn Hill

- Good modern design
- Sensitive to the conservation area
- Existing house is poor version of a Georgian house
- Appropriate scale
- Maintains openness of site

5. POLICIES

5.1. LDF Core Strategy and Development Policies

CS1 Distribution of growth

CS6 providing quality homes

CS5 Managing the impact of growth and development

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

CS18 Dealing with our waste and encouraging recycling

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP20 Movement of goods and materials

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration

5.2. Draft Camden Local Plan

Last summer, the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council is consulting on Main Modifications to the Local Plan. Following the Inspector's report into the examination, which is expected in early-mid April 2017, policies in the Local Plan should be given substantial weight. Adoption of the Local Plan by the Council is anticipated in June or July. At that point the Local Plan will become a formal part of Camden's development plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions.

The following policies are considered to be relevant:

G1 Delivery and location of growth
H1 Maximising housing supply
H3 Protecting existing homes
H4 Maximising the supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
A1 Managing the impact of development
A3 Protection, enhancement and management of biodiversity
A4 Noise and vibration
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
T1 Prioritising walking, cycling and public transport
T2 Car-free development and limiting the availability of parking
T4 Promoting the sustainable movement of goods and materials

5.3. Supplementary Planning Policies

Camden Planning Guidance (CPG)

CPG1 Design (2015)
CPG2 Housing (2015)
CPG3 Sustainability (2015)
CPG6 Amenity (2011)
CPG7 Transport (2011)
CPG8 Planning obligations (2015)

5.4. Hampstead Conservation Area Statement (2001)

6. STATUTORY PROVISIONS

- 6.1. The statutory provisions principally relevant to the determination of these applications are:
- 6.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”).
- 6.3. Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 6.4. The effect of S.72 provides the statutory basis for a presumption in favour of preserving or enhancing the character and appearance of Conservation Areas. Considerable importance and weight should be attached to this presumption. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations to outweigh the harm. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified.

7. ASSESSMENT

- 7.1. The principal considerations material to the determination of this application are summarised as follows:
- The principle of development / land use
 - Impact on the character and appearance of the wider area (including the Hampstead Conservation Area)
 - Trees and landscaping
 - Impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties
 - Living standards for future occupiers
 - Transport considerations
 - Energy and sustainability and water

The principle of development / land use

- 7.2. The proposed re-provision of the residential dwelling is considered to be acceptable.
- 7.3. The application site is within the Hampstead Conservation Area. 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. The HCAS identifies the building as making a neutral contribution to the character and appearance of the conservation area.
- 7.4. Whilst the HCAS identifies the building as making a neutral contribution to the character and appearance of the conservation area, rather than detracting from it. The NPPF, published in 2012, notes at paragraph 141 that local planning authorities should make information about the significance of the historic

environment gathered as part of plan-making or development management publicly accessible; and they should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) a manner proportionate to their importance and the impact. Paragraph 41 of the Planning Practise Guidance (Conserving and enhancing the historic environment) notes that, when considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the NPPF at an early stage in the process; and their significance should be judged against published criteria.

- 7.5. Furthermore, Policy D2 of the Draft Local Plan notes that the Council will resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area, unless circumstances are shown that outweigh the case for retention; however, it does not make reference to neutral buildings.
- 7.6. In this case, now that an application has been submitted and more detailed attention focussed on the application site, it is clear that the building is not a high-quality example of its type, instead it is a poorly constructed building, a historical pastiche, and therefore of limited architectural interest. The site's contribution to the conservation area at present is primarily one of recession: an undemonstrative house of no architectural interest sited on a soft-landscaped and open slope. The application site contributes to the conservation area through its setting and the landscape, rather than through the building itself.
- 7.7. On the basis of the above, the principle of development is considered to be acceptable provided that the replacement building would preserve or enhance the character and appearance of the Hampstead Conservation Area, in line with the requirements of the NPPF and the Draft Local Plan.

Impact on the character and appearance of the wider area (including the Hampstead Conservation Area)

- 7.8. The application site is located within the Hampstead Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.9. The application site is in a prominent location with wide views available towards it. The existing property sits atop a grassy knoll, with an open, public-facing grassed garden at the front. There are plenty of trees within and surrounding the application site, which give the area a semi-rural feel.
- 7.10. In Hampstead, in general, the buildings tend to be characterised by elegance, grace, restraint and modesty; and therefore it is important that any future development within the area follows the same approach. Having said this, it is not necessary for new development to replicate existing buildings and/or styles, and therefore a contemporary / modern building is considered to be acceptable, in principle.

7.11. The design of the replacement building has been revised numerous times throughout the pre-application and formal application processes. This was due to concerns about the bulk, scale, and detailed design of the replacement building.

7.12. On 16th December 2016, a revised scheme was presented to the Camden Design Review Panel. The Design Review Panel's comments are summarised below:

- Supportive of the general plan, scale and arrangement of forms on the site; however further work required to clarify the architectural expression, to deliver a coherent and convincing building.
- The articulation and stepping to the front elevation should be simplified as well as the disposition of materials across the scheme.
- An understated scheme that could be further refined in order to achieve a higher order of architectural quality appropriate to its prominent position in the Hampstead Conservation Area.
- Scale and massing is appropriate.
- Responds sensitively to its setting and the neighbours.
- Support the choice of materials.
- The architecture would benefit from a simpler more confident approach.
- Allowing the arrangement of interior spaces to inform the external architectural expression more, would enhance the scheme.
- The hedge to the front boundary of the site is an appropriate response.

7.13. Following the Design Review Panel the proposal was once more revised in order to address the comments made by the panel. Following these final revisions, it is now considered that the proposed replacement building is of an acceptably high standard, appropriate to the conservation area setting.

7.14. The design has been simplified, to result in a clearly defined building with legible design logic. The final design is for a somewhat wider house than existing, but with an irregular massing which is distributed along the raised site so as to limit its prominence in the generally verdant and relatively open part of the local townscape. The building would have some formality in the central 'main section' which reflects the historic architecture nearby, but would also have a softness and attractiveness in the curved wings.

7.15. The informal composition of the elevations will add depth and interest to the building due to the deep reveals. This, the relatively traditional scale, and areas of blank brickwork, ensures that the replacement building would avoid excessive contrast with neighbouring traditional styles.

7.16. The irregular elevation expresses in a varied and articulated roofline, which breaks down the flat, horizontal roofline which would otherwise be quite atypical of the conservation area's forms. At the corner of the site, closest to the passing highway, and so in the most prominent public views, the proposed building's length is balanced and its massing here is reduced by a reduced single raised storey, with a curved wall in soldier courses helping to make a feature of this recessive element.

- 7.17. Like the building to be replaced, the proposed design would be constructed in brick, but will use a red Petersen brick of higher-quality than the existing yellow facing brickwork, and will use a soldier course on the curved corners and deep crick reveals to windows which will lend richness and weight. The red tone, with metal frames finished in bronze and porphyry granite dressings such as window sills, picks up on the darker red, purple and brown tones of brick found in nearby buildings.
- 7.18. Modest additional enclosure of the public-facing garden and the approach to the house has been designed to draw on good local precedents such as dwarf hedges, informal native planting, and limited hard materials.
- 7.19. Overall, it is considered that the proposed building would add a positive piece of design to the site with interest of its own, while taking a form and massing which helps it generally to recede and leave much of the site's existing character intact. It is considered that the proposal would conserve and enhance the character and appearance of the Hampstead Conservation Area.
- 7.20. A planning condition is suggested to ensure that samples of the final materials are submitted to and agreed with the Council prior to the commencement of works.
- 7.21. Given the nature of the design of the proposed replacement building, it is also considered necessary to remove permitted development rights for the property. This will prevent the addition of unsuitable extensions or outbuildings to the property which would detract from the careful design. A suitable condition is suggested.
- 7.22. Overall, the proposal is considered to be acceptable in this respect.

Trees and landscaping

- 7.23. As noted above, there are many trees within and around the application site which give the area a semi-rural character and appearance, and which contribute positively to the conservation area. 2x Lime trees at the front of the site, labelled T7 and T8 in the accompanying Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement (AIA) are covered by Tree Preservation Orders.
- 7.24. Policy DP24 requires new development to consider existing natural features, such as topography and trees. It notes that new development should respond to the natural assets of the site and its surroundings and development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area. Similarly, Policy D1(l) of the Emerging Local Plan requires development to respond to natural features and preserve gardens and other open space, and Policy D1 parts (m) and (n) require that development should incorporate well designed landscape design and incorporate outdoor amenity space.
- 7.25. Policy H45 of the HCAS notes that all trees which contribute to the character or appearance of the Conservation Area should be retained and protected; and

developers will be expected to incorporate any new trees sensitively into the design of any development and demonstrate that no trees will be lost or damaged before, during or after development.

- 7.26. The accompanying AIA shows the removal of Tree 1, Tree 2, Tree 3, Tree 4, Tree 8, Tree 9, Tree 10, Tree G1 and Tree G2, and a reduction of the tips of the lowest branches of Tree 11 by 1-2 metres, to facilitate construction. With the exception of Tree 1 and G1, which are Category B trees (trees of moderate quality), and Tree 8, which is a Category U tree (tree should be removed for reasons of sound arboricultural management) these are all Category C trees/hedges (i.e. trees of low quality).
- 7.27. The Council's Tree Officer has reviewed the AIA and is satisfied with the proposal, subject to satisfactory re-planting. The AIA proposes a Holm Oak to replace Tree 8 (Lime tree) at the front of the site; however, the Tree Officer has concerns that a Holm Oak would be too dense a tree, which would not allow any views through it. Nevertheless, a suitable planning condition is suggested to ensure that an agreed replacement tree is planted by not later than the end of the planting season following completion of the development.
- 7.28. Further conditions are suggested to require full details of hard and soft landscaping at the site to be submitted and approved in writing prior to the commencement of development; and for the applicant to undertake the works in accordance with the methods outlined in the AIA.
- 7.29. Subject to the suggested conditions, the proposal is considered to be acceptable in this regard.

Impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties

- 7.30. Policy DP26 notes that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors to consider include: visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels; noise and vibration levels; odour, fumes and dust; microclimate; and the inclusion of appropriate attenuation measures.
- 7.31. The main properties that are likely to be affected by the proposal are No. 1 Oak Hill Way (to the west) and No. 113 Frognaal (to the south).
- 7.32. The plans have been revised during the course of the application, partly in response to concerns raised by neighbouring occupiers. For example, the single storey study at the rear, abutting the shared boundary with No. 113 Frognaal, has been omitted from the scheme; and the first floor gym, adjacent to the shared boundary with No. 1 Oak Hill Way, has also been omitted.

Visual privacy and overlooking

7.33. It is not considered that the replacement dwelling would cause undue overlooking to neighbouring properties. Whilst there would be glazing on the rear elevation (facing towards No. 113), this is the same as the existing dwelling on the site. The ground floor openings are unlikely to cause harmful overlooking because of the intervening boundary treatment between the separate sites. The first floor windows are unlikely to cause significantly more overlooking than existing windows at the building. Furthermore, the replacement building would only have windows over 2 levels, rather than 3 which the existing building has (it has a dormer window in the rear facing roof slope).

7.34. The rear projecting wing would have windows on all three sides. The west facing windows would face towards the garages between No. 1 Oak Hill Way and the application site, which is acceptable, particularly because one of the windows would serve a bathroom and is therefore likely to be fitted with obscure glazing. The south-facing windows (facing towards No. 113) are narrow in width and would serve en-suite bathrooms and are therefore also likely to be fitted with obscure glazing also (a planning condition is suggested to ensure this, to prevent undue overlooking to this property). The east-facing windows (to serve bedroom 3) would overlook the access road to Nos. 103-113 Frogna, which is considered to be acceptable.

Overshadowing, sunlight, daylight

7.35. It is not considered that the replacement dwelling would cause undue overshadowing or loss of light to the neighbouring properties as the application site is located towards the north of No. 113 and to the north-east of No. 1 Oak Hill Way. . Furthermore, although the replacement dwelling would have greater bulk and massing than the existing, it would be located in roughly the same position as the existing building on site and there is generous spacing between the neighbouring buildings.

Outlook

7.36. Whilst the replacement dwelling would have greater bulk and massing than the existing, as noted above, there is generous spacing between the neighbouring buildings, and therefore it is not considered that the replacement dwelling would cause undue loss of outlook or appear unduly overbearing when viewed from the neighbouring properties.

7.37. It is recognised that the replacement building would be wider than the existing, particularly at first floor level. It is also recognised that it would have a rear-projecting wing, which the existing building doesn't have. However, the impact, over and above, the existing situation, is not considered to be so severe as to warrant a refusal of the application on this basis.

7.38. Neither of the neighbouring buildings directly faces the application site: No. 113 has side-facing windows facing towards the application site, and No. 1 Oak Hill Way does not face the application site. There would be a gap of 4.5 metres between the rear projecting wing and the shared boundary with No. 113. The rear wing would therefore be visible in views from the side-facing windows at No. 113;

however, it would be visible beyond the single storey flat roof of the side extension at No. 113, which is considered to be acceptable, particularly because the new dwelling would only be visible from the side-facing windows at No. 113 and would not interrupt their outlook to the front or rear.

- 7.39. The replacement building would alter existing views to the north from No. 113; however, in planning terms there is no right to a view, and the new building would not be located so close to No. 113 so as to overwhelm views from this building. The impact is particularly improved since the removal of the study element which would have abutted the shared boundary between the two properties and which might have appeared overwhelming from the ground floor side-facing windows / doors at No. 113.

Noise / vibration / attenuation measures

- 7.40. Policy DP28 notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Given the extent of the proposed works and the nature of the application site (on the corner between two access roads), the Council will secure the submission of a Construction Management Plan (CMP) through a legal agreement.
- 7.41. Overall, subject to the recommended condition and legal agreement, the impact on nearby and neighbouring properties is considered to be acceptable.

Living standards for future occupiers

- 7.42. Policy DP26 requires new development to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space; facilities for the storage, recycling and disposal of waste; facilities for bicycle storage; and private outdoor amenity space.
- 7.43. It is considered that the new dwelling would provide a good standard of accommodation for future occupiers in terms of the internal arrangement and room sizes. Sufficient and suitable storage for cycles and waste is provided. Furthermore, the new dwelling would benefit from good quality, private outdoor amenity space at the rear.

Transport considerations

- 7.44. The application site has a Public Transport Accessibility Level (PTAL) of 3, which is average. Policy DP18 expects new development to provide the minimum necessary car parking provision.
- 7.45. The proposed scheme would not introduce any additional residential dwellings and therefore the Council's car free policy does not apply and any existing spaces can be retained. There are currently at least 3 parking spaces on site (1 in the garage and 2+ on the driveway). The new dwelling would provide 1 space in the garage and 2 spaces on the driveway. The new dwelling is recommended to be secured as 'car-capped' (i.e. the future occupiers would have no access to on-street parking permits but would be able to park on site) through

the section 106 legal agreement. This would prevent the proposed development from impacting on parking stress in the local area.

- 7.46. In accordance with The London Plan 2016, the new dwelling requires 2 cycle parking spaces, which are provided within the garage. A planning condition is suggested to ensure that the cycle parking facilities are provided in their entirety prior to the occupation of the dwelling and then permanently retained thereafter.
- 7.47. Policy DP20 seeks to minimise the impact of the movement of goods and materials by road. As already noted, due to the scale and nature of the proposed development and the application site a CMP will be secured by the legal agreement to ensure the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.
- 7.48. The legal agreement will also secure a financial contribution towards highways works required as a result of the proposal.

Energy and sustainability and water

- 7.49. Policy CS13 notes that the Council will require all development to take measures to minimise the effects of, and adapt to, climate change and the policy encourages all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy DP22 requires development to incorporate sustainable design and construction measures and it requires the incorporation of green or brown roofs, wherever suitable.
- 7.50. Paragraph 22.4 of the LDF Development Policies notes that the possibility of sensitively altering or retro-fitting buildings should always be strongly considered before demolition is proposed. In this case, the Design & Access Statement notes that the house has been designed with a high level of insulation and high quality glazing and it will achieve a Dwelling Fabric Energy Efficiency improvement of 10.4%. Furthermore, the building will achieve a CO2 emissions improvement of 23.6%. However, the sustainability appraisal is particularly brief and therefore a suitable planning condition is suggested to require the submission and approval of a comprehensive energy strategy, prior to the commencement of development.
- 7.51. The proposed development incorporates a green roof, which is welcomed. A suggested planning condition can require the submission and approval of details of the green roof prior to the first occupation of the building.
- 7.52. The proposal also provides solar PV panels on the main roof and a suggested planning condition can require the submission and approval of full details of the solar PV panels prior to the first occupation of the building.
- 7.53. Policy DP23 requires developments to reduce their water consumption, pressure on the combined sewer network and the risk of flooding. A suitable planning condition is suggested to ensure that development will be capable of achieving a maximum internal water use of 110 litres a day (plus an additional 5 litres for external water use).

7.54. Overall, subject to the suggested conditions, the proposal is considered to be acceptable in this respect.

8. CONCLUSION

8.1. The principle of development is considered to be acceptable. The impact on the character and appearance of the wider area, including the Hampstead Conservation Area, is considered to be acceptable. Similarly, the impact on trees and landscaping at the site is considered to be acceptable. The impact on the visual and residential amenities of nearby and neighbouring properties is judged to be acceptable and it is also considered that future occupiers would experience a good standard of living. The transport impacts of the development are judged to be acceptable. The development would incorporate sustainable design and construction measures.

8.2. Planning permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:

- Car-capped
- Construction Management Plan (and implementation fee of £1)
- Highways contribution

9. LEGAL COMMENTS

9.1. Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: FRG-P-001; FRG-X-100; FRG-X-101; FRG-X-300; FRG-X-301; FRG-X-302; FRG-P2-005; FRG-P2-006; FRG-P2-007; FRG-P2-100; FRG-P2-101; FRG-P2-102; FRG-P2-300; FRG-P2-301; Design & Access Statement (as amended); Heritage Statement (dated October 2016); Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement (dated 08/02/2017); Daylight & Sunlight Report (dated 28/09/2016).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site in the form of sample panels).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the commencement of any part of the development, a comprehensive energy strategy for the development including

(a) energy efficient measures

(b) the feasibility for appropriate renewable or low carbon sustainable energy sources with the aim of reducing the development's carbon emission by at least 20%

(c) any associated air quality or noise management reports (including mitigation measures)

shall have been submitted to and approved by the local planning authority. The development shall thereafter not proceed other than in complete accordance with all the measures as recommended in the approved strategy, which shall be permanently retained and utilised as the main power sources for the development. The measures shall include the installation of a meter to monitor the energy output from the approved systems.

Reason: In order to secure the optimum energy and resource efficiency measures and on-site renewable energy generation in accordance policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The approved cycle storage facility shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 10 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 11 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or prior to the occupation for the permitted use of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 12 Replacement tree planting shall be carried out by not later than the end of the planting season following completion of the development, in accordance with the details hereby approved, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The works hereby approved shall be carried out in accordance with the methods outlined in the submitted Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement (dated 08/02/2017), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 14 The first floor rear-facing windows to serve 2x en-suite bathrooms in the rear wing, shall be fitted with obscure glazing and be non-openable below a height of 1.7m. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden

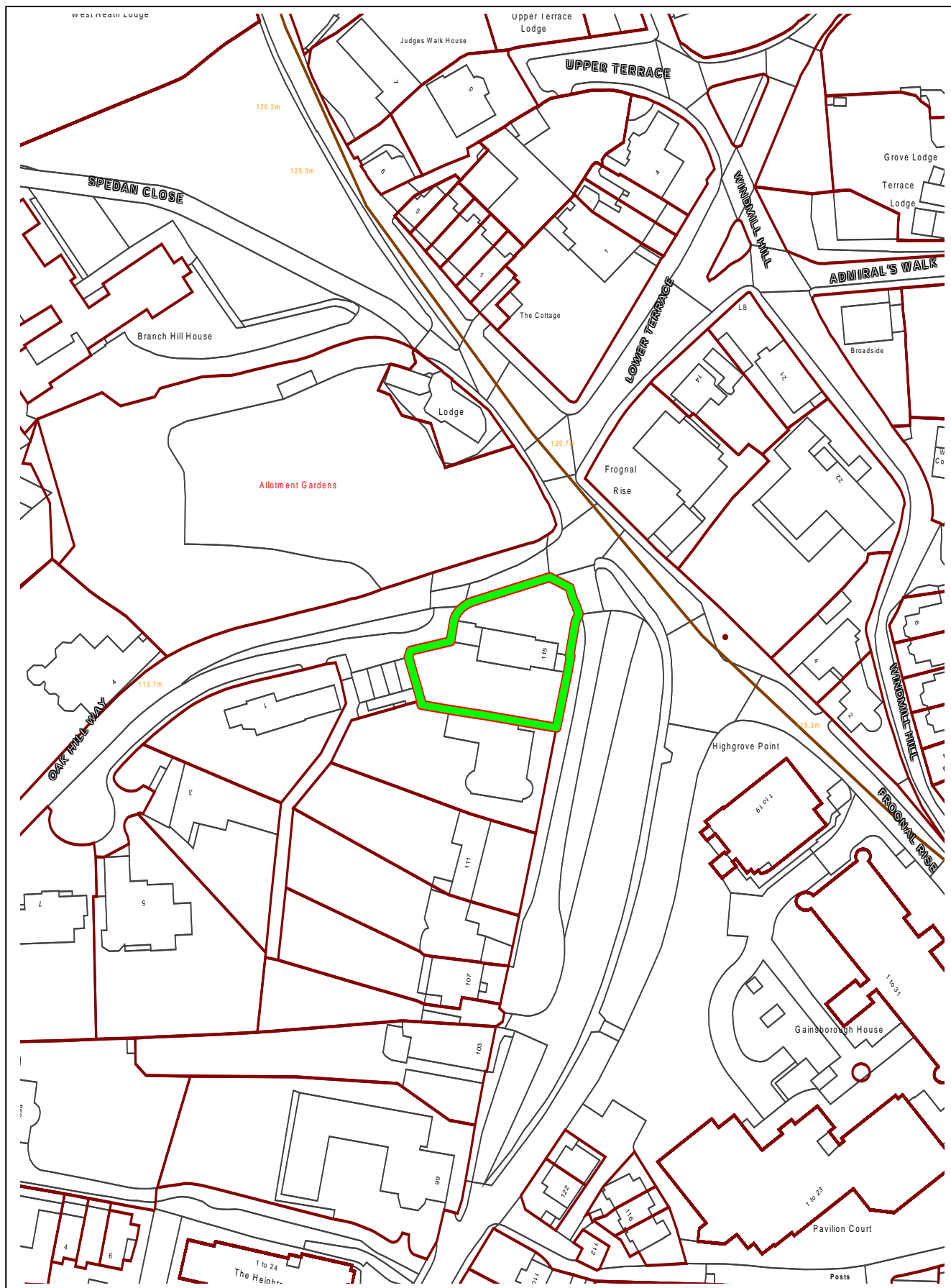
Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.



Application No: 2016/5380/P

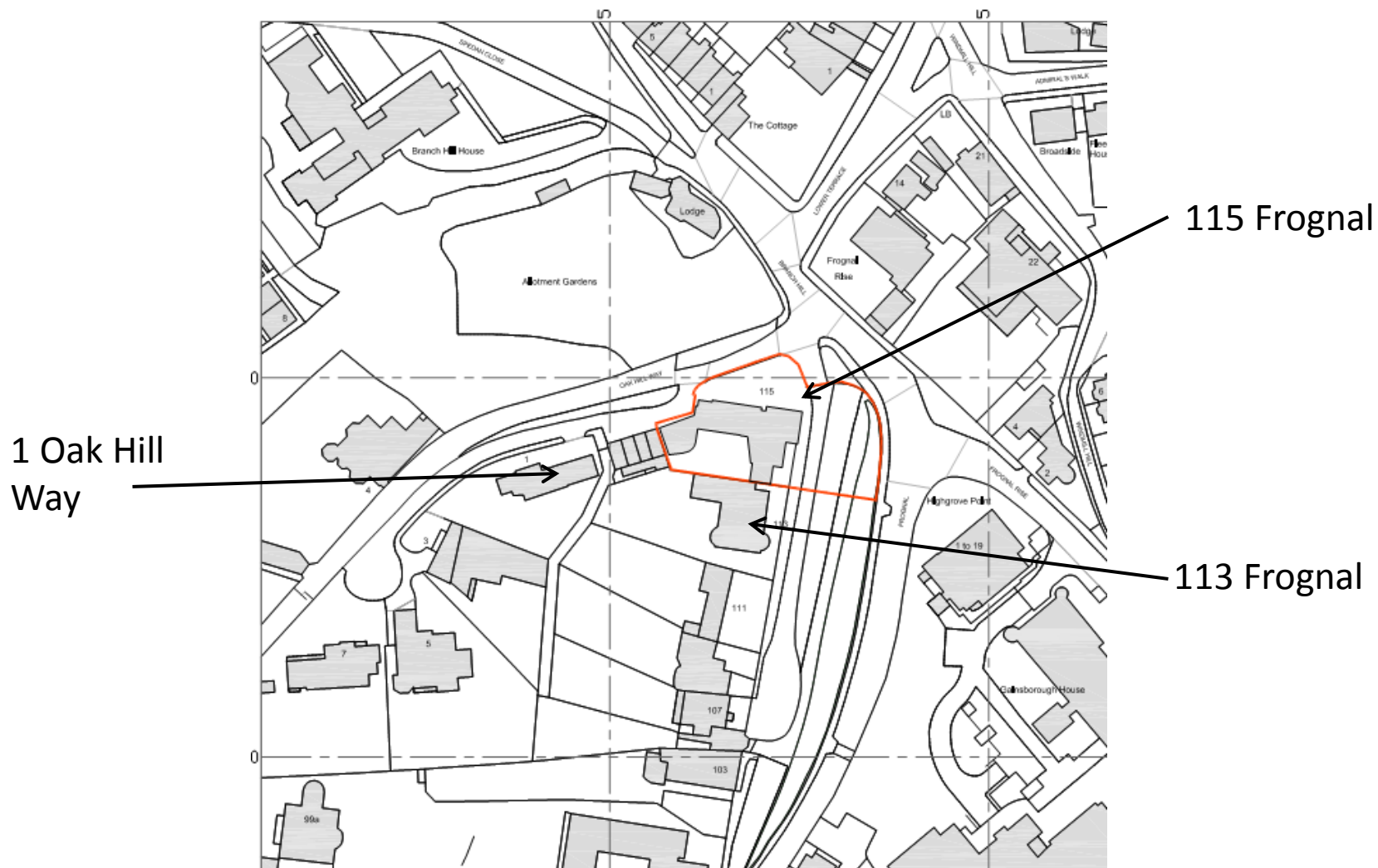
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London, NW3 6XR**

**Scale:
1:1250
Date:
3-Mar-17**



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115 Frognal, London, NW3 6XR



Site Location Plan

Aerial view of application site



1 Oak Hill Way

113 Frognal

Application Site
(115 Frognal)

View of front of building



Road leading to Nos. 103 to 113

Oak Hill Way

View of front of building



View of rear of building



View of rear of building (view from No. 113)



View of rear of building (view from No. 113)



Existing front elevation



Proposed front elevation



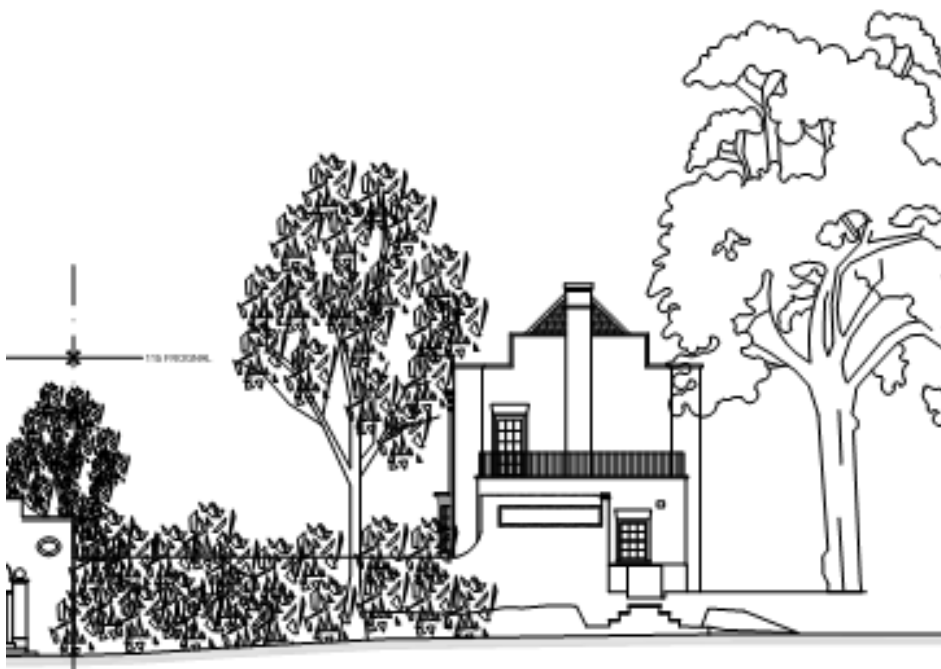
Existing rear elevation



Proposed rear elevation



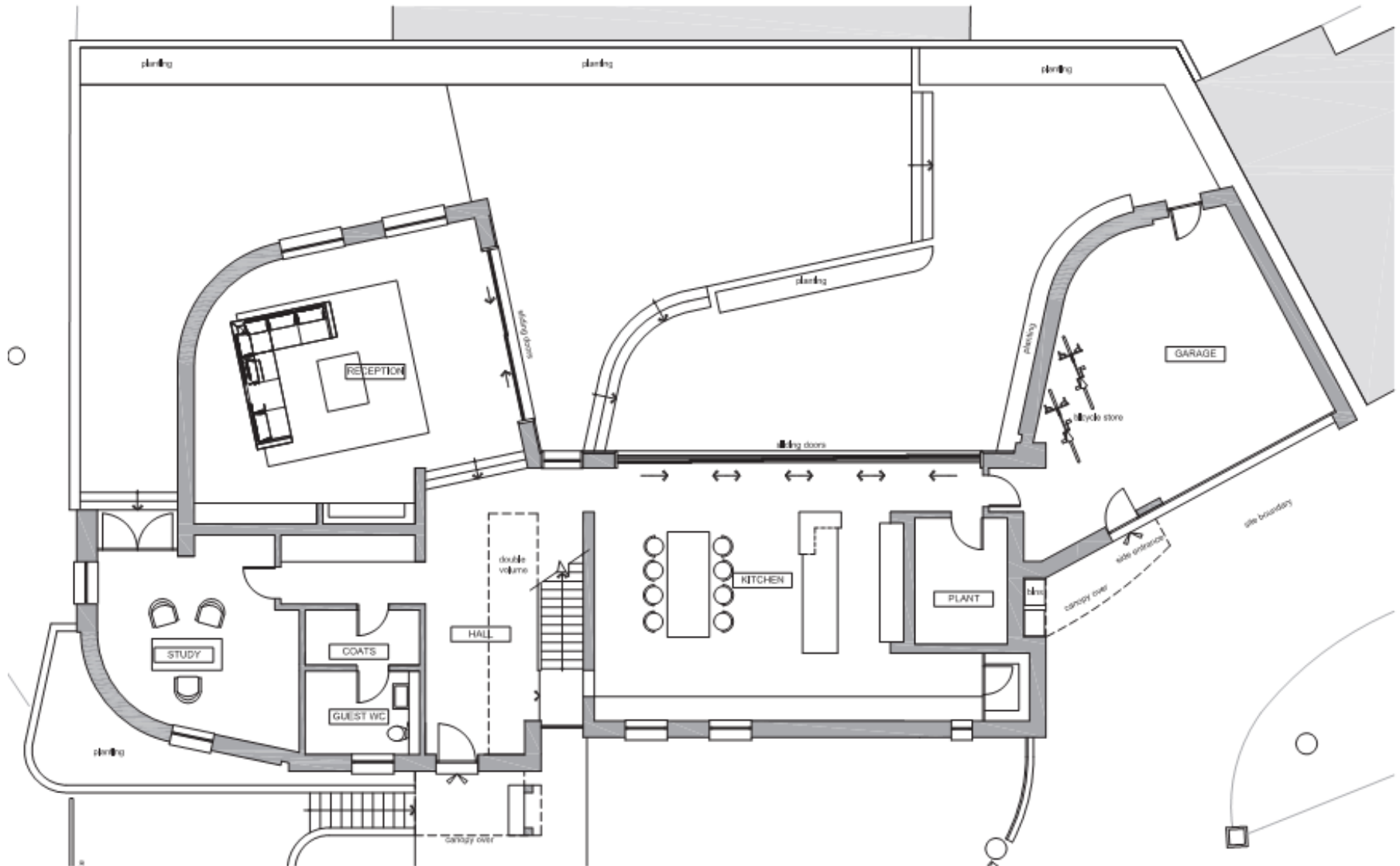
Existing side elevations



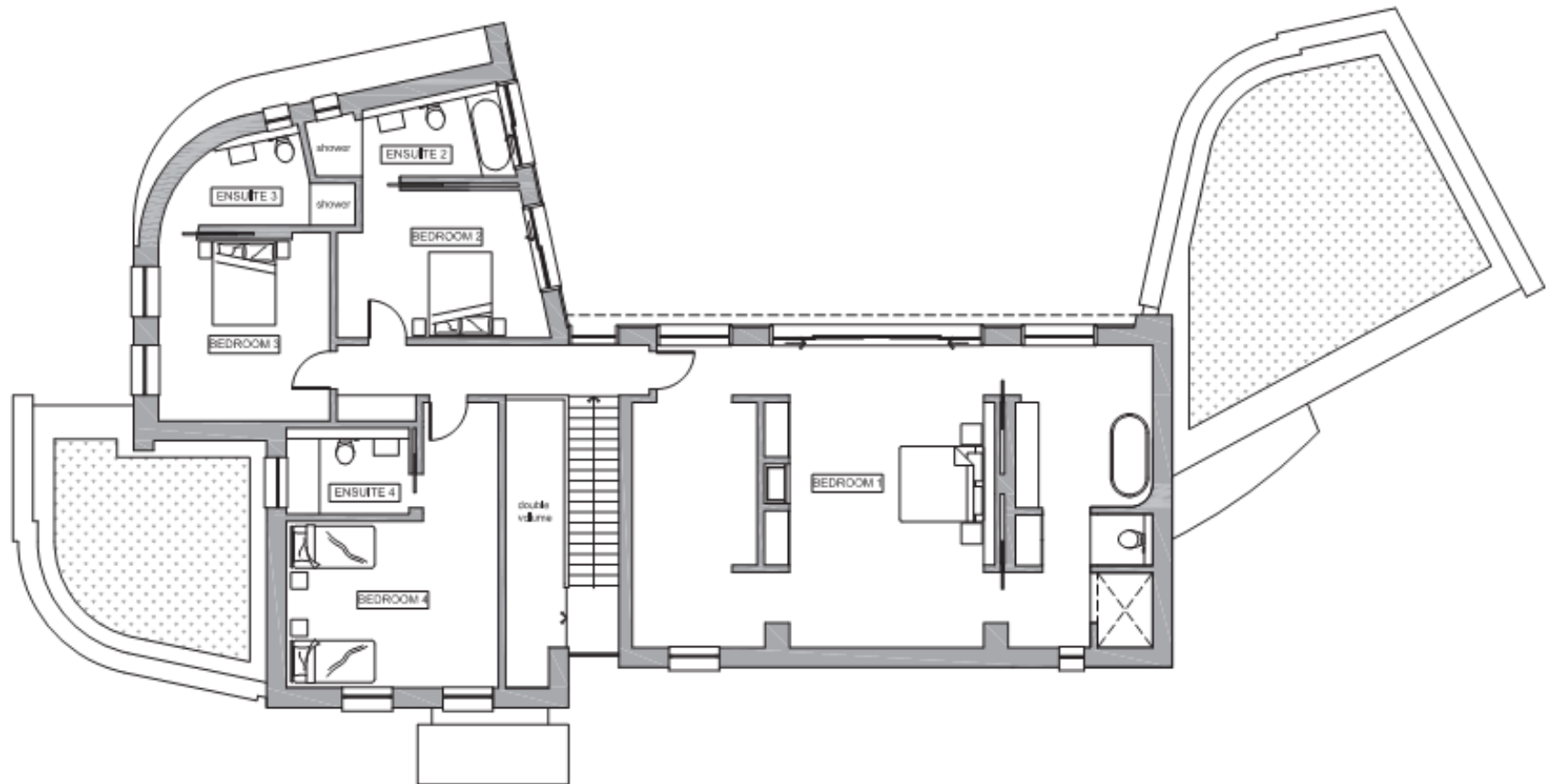
Proposed Side elevation



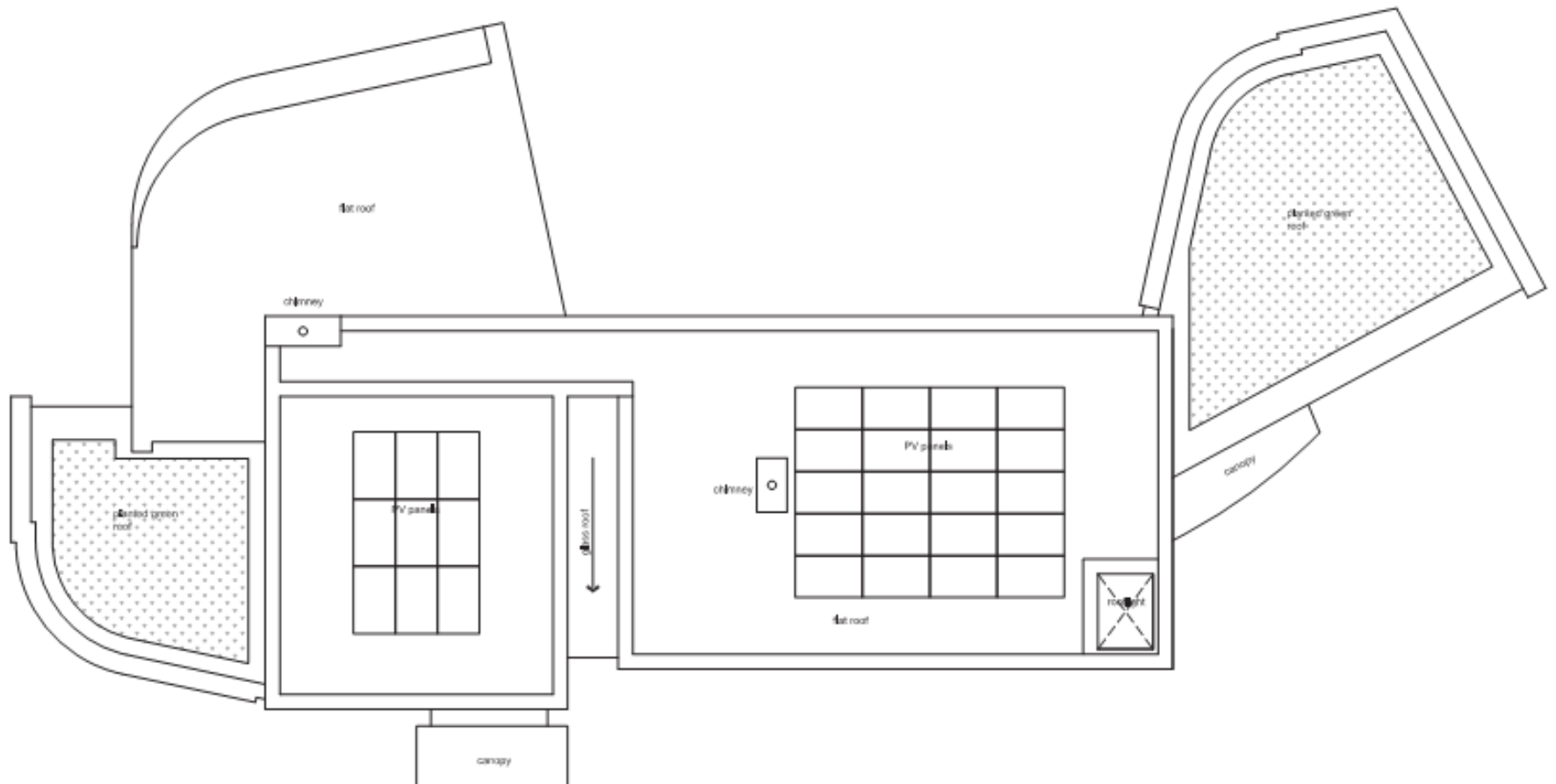
Proposed Ground Floor level



Proposed First Floor level



Proposed Roof Plan



Proposed Model



Original proposal (superseded)



Front elevation

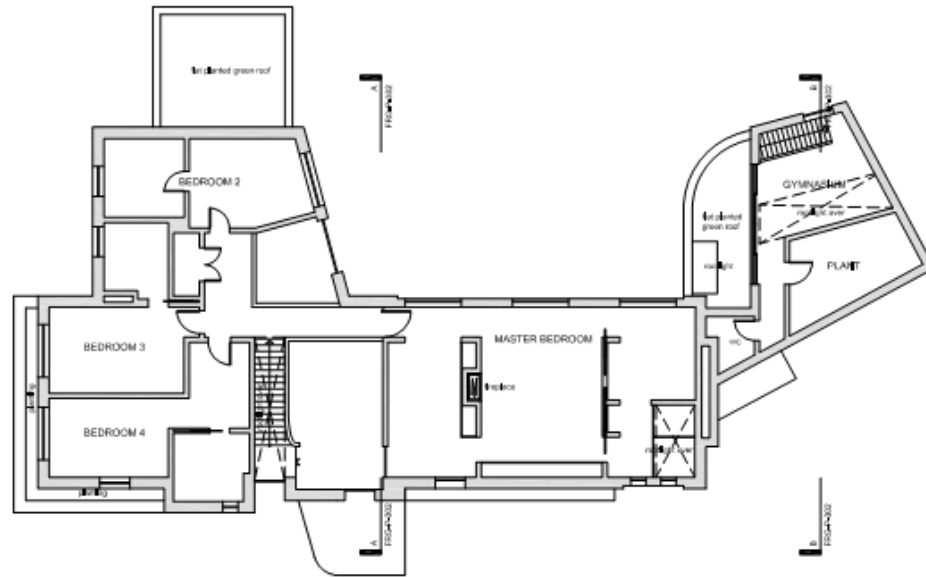
Original proposal (superseded)



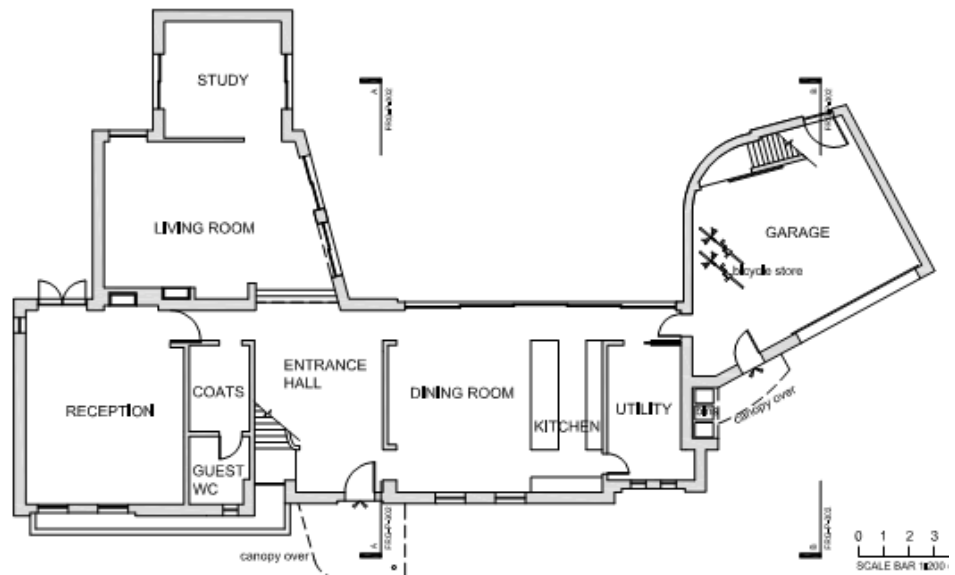
Rear elevation

Original proposal (superseded)

First floor



Ground floor



Scheme presented to DRP (not final scheme)

