

Application ref: 2018/2967/P  
Contact: Tony Young  
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Date: 16 October 2018

**Development Management**  
Regeneration and Planning  
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ALEX P GATH LTD  
WAYSIDE WEST CHARLETON  
KINGSBRIDGE  
TQ7 2AJ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**106 Frognal**  
**London**  
**NW3 6XU**

Proposal:  
Proposed rear extension following demolition of existing and partially lowering ground level to rear garden area.

Drawing Nos: Site location plan; (A1176/14/-)S01A, P22A, P23A, P24A; Design & access (with heritage) statement from APG Design (ref. A1176-14/2018/APG); Sliding doors specification document.

The Council has considered your application and decided to grant permission subject to the following condition(s):

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 All new external work shall be carried out in materials that resemble, as closely

as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017 and and policies DH1 and DH2 of the Hampstead Neighbourhood Plan (passed referendum June 2018).

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; (A1176/14/-)S01A, P22A, P23A, P24A; Design & access (with heritage) statement from APG Design (ref. A1176-14/2018/APG); Sliding doors specification document.

Reason:

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

- 4 The flat roof of the extension hereby approved shall not be used as a roof terrace and access shall be for maintenance purposes only.

Reason: In order to safeguard the amenities of the neighbouring occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting planning permission:

The proposal is similar to a previously approved planning permission granted on 04/09/2015 (2015/4359/P), but not implemented, in so far as the works at upper ground floor level comprise the demolition of an existing full-width late 20th century rear conservatory extension and its replacement with a more robust and contemporary extension occupying the same footprint between two party walls. The proposed extension is intended to house a new kitchen and would have a solid flat roof and full width glazed doors opening into the garden.

The current proposals differ in so far as they seek to increase the height of the replacement extension by a further 0.25m (to 2.8m) to accommodate a new horizontal rooflight, and to introduce a single ply roof membrane similar to a recent approval at the adjoining property at no.104 Frognal (2017/0801/P). Despite the increase in height, the proposed extension would remain concealed from view, it being set at a lower height than the brick walls to both boundaries on either side, and would be slightly lower than the existing modern conservatory which it would replace.

The current proposals also include minor alterations to reconfigure the rear courtyard and garden steps. Garden levels have been altered recently and there are few features of architectural or historic interest remaining beyond the brick boundary walls which would remain unaltered. In respect of any works of excavation and levelling of the rear garden, this is considered to involve only minor intervention into the ground surface and would not be detrimental to the setting of the listed building nor to adversely impact upon the building's historic plan form.

Overall, the proposed alterations are considered to be appropriate in terms of the design, scale, colour, location, and materials to be used. They are minor in nature and would preserve the special architectural and historic interest of the Grade II listed building, and would not detract from the character and appearance of the Hampstead Conservation Area, in accordance with Council policies and guidelines, and are therefore considered to be acceptable.

In amenity terms, the proposed extension would not raise any issues. The extension would be set lower than the surrounding boundary walls, as well as, slightly lower than the existing conservatory height, so would not create any additional loss of sunlight, daylight, privacy, or increased sense of enclosure to any neighbouring occupiers. A condition would also be attached to any approval to ensure that the flat roof of the proposed extension shall not be used as a roof terrace in order to further safeguard the amenities of neighbouring occupiers.

The site's planning and appeals history has been taken into account when coming to this decision. In particular, a recent approval (2015/4359/P) dated 04/09/2015 for similar proposals.

Following statutory consultation, the Hampstead Conservation Area Advisory Committee raised no objections to the proposals; however, an objection was received from a local resident. These concerns have been addressed in the 'Consultation Summary' sheet associated with this decision.

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest as well as to preserving or enhancing the character or appearance of the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017, policies DH1 and DH2 of the Hampstead Neighbourhood Plan (passed referendum June 2018), the London Plan 2016, and the National Planning Policy Framework 2018.

- 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound

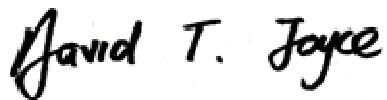
insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce  
Director of Regeneration and Planning