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B. Farrant Esq  
Planning Solutions Team  
Camden Council

**Date:** 16<sup>th</sup> December 2019  
**Your Ref:** 2019/5348/P  
**Our Ref:** 107

**Via Email:** [planning@camden.gov.uk](mailto:planning@camden.gov.uk)

Dear Mr Farrant

**HERITAGE AND DESIGN OBJECTIONS TO APPLICATION REFERENCE 2019/5348/P – REDEVELOPMENT OF 18A FROGNAL GARDENS NW3 6XA**

I write to submit additional objections concerning heritage and design considerations on behalf of a number of local residents of Froggnal Gardens including: Mrs Varshika Manji, Mr Lars, Mrs Veronica Bane and Mr Peter Oppenheimer and Dr Joanna Myers. These respond to the application to demolish and redevelop 18a Froggnal Gardens, NW3 6XA, (reference 2019/5348/P). Many of the residents who have lived in Froggnal Gardens for a number of years, care passionately about their built environment, the individual character of the place and the quality of the tree lined and verdant landscapes that make up their home community within the Hampstead Conservation Area.

They do not consider that Camden has properly and fairly consulted the community relying on lamp post notices, a website that could not be accessed for many days, restricting the limited time to comment. Neither has the applicant sought to engage with its neighbours either in the spirit of the Localism Act and positive public consultation. Some of the residents of Froggnal Gardens have felt the need to engage a consultant to represent their views, with the expectation that the Council will fully consider the objections of local residents and refuse this planning application.

Many residents have already submitted detailed written objections to voice their concerns regarding the planning application, not regarding the principle of the redevelopment of the existing house, but opposing the scale, design and impact the proposed development would have on the character and appearance of the Hampstead Conservation Area.

Set out below is a summary of the key issues of objection followed by a more in depth analysis of the failings of the submitted Heritage Assessment, its lack of impartiality and that it fails to apply a robust assessment of the heritage impacts caused to the conservation area, in line with national and local planning and heritage guidance.

**Executive Summary**

In summary, the reasons for the Council to refuse the planning application for the redevelopment of 18a Froggnal Gardens and that form the basis of the neighbours planning, heritage and design objections are:

- i) The Heritage Assessment submitted to support the planning application is not an objective nor impartial assessment of the significance and setting of the Hampstead Conservation Area, as

it purely seeks to endorse and justify the design promoted by the same architectural practice and therefore does not comply with the National Planning Policy Framework (NPPF) or Historic England's guidance.

- ii) Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid by local planning authorities to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposed new building and supporting documents fail to demonstrate how these requirements are met by the development scheme.
- iii) The development scheme does not enhance or better reveal the significance and setting of the Hampstead Conservation Area (the first designated conservation area following the 1968 Act) and in particular Sub Area Five: Frognaal, characterised by detached/semi-detached Victorian, Georgian and Edwardian houses set in spacious large and well treed gardens. It fails to demonstrate how the scheme preserves the special character of the Hampstead Conservation Area.
- iv) The proposed development will set a dangerous scale and materials precedent for further anomalous new buildings that are incongruous to the Hampstead Conservation Area special character and particularly for the future redevelopment of 18b Frognaal Gardens.
- v) The less than substantial harm caused by the proposed development is not outweighed by any public benefits and there are many other design forms that could be considered to replace 18a in a manner that contributes to the special character and appearance of the conservation area.

Set out below is a more detailed assessment of the application proposals to amplify these five reasons for refusal.

## 1. Qualifications and Overview

### Qualifications

- 1.1 Mary June Power has prepared these representations on behalf of residents. I am a dual qualified surveyor (MRICS) and town planner (MRTPI), with a masters of the Conservation of the Historic Environment (MSc CHE), studied at the University of Reading, an accredited qualification for conservation officers and Historic England experts. I have over 25 years of experience in the historic built environment and development industry.
- 1.2 I am the owner and director of PowerHaus Consultancy (since September 2015) advising a multitude of clients large and small in most sectors of the property industry including; residential, retail, commercial, leisure, schools and colleges including those that have a bearing on the historic environment. I have prepared objections to telephone mast appeals in conservation areas, within the setting of listed buildings, which have been dismissed. Planning and Conservation Area consent has been secured for the refurbishment and redevelopment of an office building within a conservation area and adjacent to a Grade I listed building in Islington. Listed building consent has also been achieved for demolition and reconstruction of a wing of a Grade I listed building in Bromley. I also achieved the Grade II listing of the Abbey Road Crossing on behalf of EMI, the only listed crossing with Belisha Beacons in England.

### Overview

- 1.3 The existing application building 18a, is identified as a neutral building within the Hampstead Conservation Area Statement. It is therefore neither harmful to, nor valued as contributing to the character of the conservation area. It was built in the 1960's alongside 18b Frognaal Gardens as semi-detached houses within former garden land of 18 Frognaal Gardens and are modern additions to this part of the conservation area. They are modest in scale and plot size reflecting the scale of their

immediate neighbours at numbers 20, 7 and 9 Frognal Gardens and 98 Frognal, which are two/three storey houses, some with accommodation in pitched roofs.

- 1.4 Given the rising topography of Frognal Gardens road, 18a and 18b dwellings already rise above the more modest scale of number 20 and in many ways set a maximum height constraint for any replacement dwelling. Their context is localised to their immediate neighbours and not to the large scale dwellings located on the top of the hill at 2-16 Frognal Gardens.
- 1.5 All buildings within Frognal Gardens are subject to the Hampstead Article 4 direction, which removes permitted development rights. Despite their neutral contribution to the conservation area, the inclusion of 18a and 18b Frognal Gardens within the Article 4 direction, highlights how important any alteration to existing buildings is to the character and context of the area. The Design Guide properly describes the importance of fronts and sides of properties within the conservation area and the contribution they make to its setting. It imposes design and scale considerations as well as materials to set out a palette of materials to respect the special character and appearance of the local context. It is these special characteristics that residents consider the applicant has failed to apply to the design of a replacement building for 18a Frognal Gardens expanded upon below.

## **2. Failings of the Submitted Heritage Assessment**

- 2.1 The NPPF requires that an applicant describes the significance of a heritage asset including any contribution made by their setting, in order to understand the potential impact of the proposal on their significance. LPAs are required in determining applications to take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.2 The submitted Heritage Assessment contains no reference to Historic England's guidance regarding assessing heritage assets setting, management or determination of significance. It contains no evaluation of the conservation area but merely makes the case for the proposed design promoted by its own architectural practice. The Council cannot make a safe decision on the impact of the development on the character and appearance of the conservation area, based upon the applicant's flawed Heritage Assessment.
- 2.3 Recent case law highlights the importance of the consideration of setting in the case of *James Hall v Bradford MDC* [2019] EWHC 2899 (Admin) dated 1 November 2019, where the court quashed a planning permission on the basis that the Council had failed to consider the impact of development on the setting of a heritage asset, a development that was not in a conservation area but adjacent to it. This case highlights how important the consideration of setting is to the decision making process and must be applied fully and rigorously to the circumstances of this application.
- 2.4 The submitted Heritage Assessment is purely an extension of the architectural practice's Design & Access Statement, promoting the form of development proposed and not an examination of setting, significance, harm or public benefits.

## **3. Hampstead Conservation Area: Character and Appearance – Area 5 Frognal**

- 3.1 The character of the application site location within Sub Area 5: Frognal, of the Hampstead conservation area includes late 19<sup>th</sup> and 20<sup>th</sup> century houses set in spacious large and well treed gardens. Most are red brick, with picturesque red tiled roofs and chimneys with decorative brickwork or tile hanging, including Arts and Crafts and Neo Georgian styles. Adopted planning policies: D1, D2 of the Local plan; policies H21, H22 and H24 of the Hampstead Conservation Area Statement and policies DH1 and DH2 of the Hampstead Neighbourhood Plan, highlight that new development should be seen as an opportunity to enhance a Conservation Area respecting built form, building lines, roof lines, elevational design and materials of adjoining buildings.

- 3.2 The proposed design does none of these things. It does not reflect the existing character of the scale of 18a Frognal and looms above this property by an additional storey, with fluted parapets and chimneys, wholly uncharacteristic of the conservation area. The submitted Heritage Assessment on page 14 shows the existing scale of buildings on the rising hill at 20, 18b and 18a Frognal Gardens. It does not show the similar modest scale of buildings opposite at 7 and 9 Frognal Gardens.
- 3.3 The application scheme fails to thoroughly consider the context and modest scale of buildings on the topographical rise of the road and land of Frognal Gardens siting in smaller plots. These smaller scale houses limit the degree of competition with the scale and massing of the large three/four storey buildings at 2- 16 Frognal Gardens. The hierarchy of form is located on the top of Frognal Gardens and at the lower level fronting Frognal. The side streets leading away from Frognal are of a more modest scale, almost infilling the street rather than houses of substantial scale and design.
- 3.4 The proposed development fails to take the opportunity to enhance the conservation area, does not preserve the character or appearance of it and therefore does not accord with national or local planning, heritage and design policies.

#### **4. Conservation Area Setting**

- 4.1 The NPPF and Camden's adopted policies (D1 and D2) require that new development within conservation areas and within the setting of heritage assets should enhance or better reveal their significance. Historic England's Good Practice Advice Planning Note 3 (Second Edition), sets out a stepped approach to assessing the setting of a heritage asset. The applicant fails to consider a stepped approach or the conservation area setting or how the proposed development would enhance and make a positive contribution to it.
- 4.2 The setting of the application site and its contribution to the conservation area is defined by the wide extent of the conservation area generally, with its high number and quality of different buildings, architectural styles, materials, landscaping, historical influences and growth and evolution of Hampstead. The immediate setting of the application site is more defined by the character of its immediate neighbours of lower scale and massing, modest proportions, materials and style.
- 4.3 The application scheme instead takes its cues from the large mansion style houses on the top of Frognal Gardens and not its immediate context of 20, 7 and 9 Frognal Gardens. Whilst identifying the conservation areas prevailing materials on pages 14 and 15 of the Heritage Assessment, the applicant then proposes materials that conflict with the character of the setting of the conservation area, jar with the Victorian, Georgian and Edwardian aesthetics and impose a mixed colonial Art Deco style, uncharacteristic of the Hampstead conservation area.

#### **5. Precedent for Incongruous Design**

- 5.1 The proposed development of 18a Frognal Gardens, if permitted, will set a precedent for a new building of the same scale, should 18b be redeveloped at some point in the future. Such a similar scale would loom over the modest two and a half storey house of 20 Frognal Gardens, causing further demonstrable harm to the special character of the Hampstead Conservation Area. These two properties were designed and built at a similar time and this localised characteristic should inform whether the proposed application is acceptable. Duplicating the same design on 18b Frognal Gardens would demonstrate how incongruous the scale, massing and design is to the conservation area.
- 5.2 The Council must therefore consider and assess the effect of the cumulative change that would arise if planning permission was granted for this scheme. The precedent set for the redevelopment of 18b (at some point in the future) would conflict with the setting of the conservation area, its neighbouring buildings and the historic evolution of these two properties, which were infill buildings within former garden land. The scale of any replacement building must therefore be assessed in this immediate setting and not the large mansion style houses at 2-16 Frognal Gardens. The setting of 18a is a modest quiet infill building, not a statement building to compete with buildings at 2-16 Frognal Gardens that

albeit not statutorily listed, make a positive contribution to the character and appearance of the conservation area.

- 5.3 The use of a green hued tiles, also helps to mask and disguise the impact of the scale of the proposed replacement dwelling, as it merges into the background of the existing trees nearby. If the tile material was a brown hue say, it would reveal its incongruous scale and proportions when read against its neighbour 18b and within this immediate section of Froggnal Gardens. The switch back façade treatment does not complement the existing character of the conservation area and nor does it deliver a modern aesthetic that provides appropriate contrast to the Victorian and Georgian characteristics of this part of the conservation area.

## **6. Minimisation of Harm to the Conservation Area and Public Benefits**

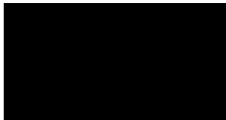
- 6.1 The NPPF and local plan policies highlight that where a development will give rise to harm to a conservation area whether substantial or less than substantial, that public benefits should be assessed to determine whether these outweigh that harm.
- 6.2 The proposed development is determined to cause less than substantial harm to the conservation area as the significance of the wider conservation area will remain unharmed. It is the narrow context of the application site's immediate location adjacent to 18b, 20, 7 and 9 Froggnal Gardens that will be adversely affected. The replacement of a three bed house with a four bed house provides no public benefits in an area heavily characterised by large family houses with gardens. The design is so incongruous that it does not contribute to preserving the conservation area and does not enhance it.
- 6.3 There are many ways that the effects of the redevelopment of the existing 18a could be minimised including proposing a new building of similar proportions and scale to the existing dwelling, sympathetic materials to the conservation area and with a cautious mind to how 18b might be developed in the future, so that it does not set an unwelcome and harmful precedent to the conservation area.

## **7. Conclusions**

- 7.1 For all the reasons set out above, the application should be refused planning permission and conservation area consent as it fails to comply with the Council's adopted planning policies: D1, D2 of the Local plan; policies H21, H22 and H24 of the Hampstead Conservation Area Statement and policies DH1 and DH 2 of the Hampstead Neighbourhood Plan, the NPPF and Historic England Guidance.

Please acknowledge receipt of these objections and keep us informed of the Council's progress of the application to determination at Committee.

Yours sincerely



**Mary Power**  
**Director**  
**PowerHaus Consultancy Ltd**