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**PLANNING AND  
HERITAGE STATEMENT**

**PROPOSED REAR  
GLASS EXTENSIONS**

**18 FROGNAL WAY  
HAMPSTEAD  
LONDON, NW3 6XE**

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## **APPENDICES**

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## **1. INTRODUCTION**

- 1.1 This Statement accompanies an application for planning permission for two single-storey extensions located at ground floor level at the rear 18 Frognal Way, Hampstead. The extensions are arranged as a symmetrical pair and are to be constructed almost wholly of glass. The extensions are intended to provide additional interior space for the property in the form of enlarged kitchen and dining facilities. The extensions will occupy part of an existing ground floor rear terrace. The remaining terrace area will be enclosed by the proposed extensions.
- 1.2 The original property has undergone substantial alterations and extensions, first granted on appeal and subsequently amended, to create a large, unique family dwelling. The property is notable by its modest scale when viewed from Frognal Way relative to its expansive proportions when viewed at the rear, having taken advantage of the substantial change in levels (two storeys) across the rear of the property. To a large extent, the proposed extensions also take advantage of these features, extending onto an existing terrace. The extensions are modest in scale and minimalist, allowing the form of the original building to continue to be 'read'.
- 1.3 The property lies within the Hampstead Conservation Area and is agreed to make a positive contribution to the character and appearance of Frognal Way. However, a clear distinction is made in heritage terms between the impact of new development on the Conservation Area and the impact on particular buildings within the Conservation Area. This matter is explored further in the appraisal section of this report.
- 1.4 This Statement proceeds by describing the existing property and local context before outlining the proposed extensions. These are then appraised in Section 4 having regard to policy and other considerations. Conclusions are then drawn in Section 5.

## **2. PROPERTY AND LOCAL CONTEXT**

- 2.1 The property is a former Palladian Villa, originally constructed as an artist's studio and living accommodation. It is located on the southern side of Frognal Way and appears from the road as an unassuming property of modest proportions.
- 2.2 The property has undergone a substantial programme of alterations and extensions, and has been fully refurbished, creating a unique and substantial family home. In addition to the creation of side extensions, the property has been extended at the rear and a basement level created. This in-turn opens onto a secluded rear garden. The property is characterised by a complex arrangement of terraces, decks and patios, albeit these are 'bedded' into the property, with lower levels appearing as part of an attractive and highly ordered landscape scheme.
- 2.3 The primary living accommodation is situated at ground floor level (relative to Frognal Way), comprising an entrance hall, principal lounge with mezzanine study over. Within the side extensions are the kitchen and dining areas. To the rear of the ground floor is a substantial terrace, sitting over a lower ground floor extension, which in turn has terraces set over the basement extension. The bedrooms are primarily provided at lower ground floor level, with amenity facilities (pool, gym, storage and plant, etc) situated in the basement. The basement doors open onto a sunken patio which opens onto a landscaped garden. Access to the garden is also obtained via stairs located on the east side of the property.
- 2.4 The property sits some considerable distance (20m) from its neighbour to the west, 14 Frognal Way, from which it is also separated by a substantial retaining wall and mature boundary trees. To the east, 4 Ennerdale Gardens sits closer, albeit with its flank wall diagonal to 18 Frognal Way. Again the properties are separated by a substantial retaining wall and various

landscape structures. Windows in the flank side of 4 Ennerdale Gardens serve secondary accommodation.

- 2.5 Frognal Way is located to the southwest of Hampstead and is accessed from the town centre by a steep footway from Church Row, parallel to the grounds of the Parish Church of St John-at-Hampstead. The road is located on the very southern edge of the Hampstead Conservation Area and is known for its eclectic architecture. A useful description of the setting is provided in the Landscape and Conservation Area Character Assessment prepared by Adams Habermehl (December 2013):

*“The Hampstead Conservation Area Statement (HCAS) describes Frognal and its offshoots including Frognal Way as characterised by late 19<sup>th</sup> and 20<sup>th</sup> century houses set in spacious large and well-treed gardens. Frognal Way is described as a wide unadopted road, with pavement treatment varying from one house to the next. It has notable architectural variety and is a ‘relaxed road’. No 18 is of London stock brick and slate pattern roofing, and originally dates from 1930 when it was built as an artist’s studio. The house’s distinctive character is based in part on its symmetrical street appearance with an open aspect single storey form but dramatic Venetian window contributing to a strong fenestration pattern. The house clearly contributes to local architectural variety and though not listed, is included in a HCAS schedule of buildings considered to make a positive contribution to the special character and appearance of the Conservation Area” (Para 3.13).*

- 2.6 Crucial to the assessment of proposals involving 18 Frognal Way is an appreciation of the extent to which the property contributes to the character and appearance of the Conservation Area, primarily the distinction between the front and rear aspects of the property. It is highly material that the property sits at the very margin of the Conservation Area. Indeed, its rear boundary is coterminous with its southern-most extent and thus land beyond

it was not considered worthy of inclusion. Whilst that does render views of properties within the Conservation Area unimportant, the weight to be applied to the appearance of the rear of properties on Frognal Way is consequently less than views from the road itself. This is reinforced by the extent of the Article 4 Direction here which removes permitted development rights only in respect of development affecting the front and sides of properties; not the rear. Adams Habermehl consider this point further in their Assessment:

*“In the 2008 appeal decisions, the Planning Inspector noted under ‘character and appearance’ that the Hampstead Conservation Area does not have a homogenous character and that Frognal Way is particularly eclectic, but qualifies that statement, noting that each house though stylistically independent of its neighbours, in itself displays a consistent design. As part of the approval to Appeal C, the Inspector differentiates between street views and other views, and notwithstanding general analysis of the proposals (in their para 6 to 11) places greater emphasis on effect on street views when considering impact on the character of the Conservation Area.”*

- 2.7 Adams Habermehl give further consideration to this important differentiation at Paragraph 1.4 of their Assessment, as follows:

*“The building is set into the slope so that it forms a single storey to the street, but 3 storeys to the rear garden, providing a very clear distinction between front and rear aspects. Notwithstanding the proximity of UCS sport ground, boundary treatment strongly limits views into the back garden area.”*

- 2.8 This crucial distinction between the front and rear of the building, was a matter expressly put to the Council as part of a pre-application submission in October 2019 and is highly material to the proposed development. It is

accepted however, that whilst the rear aspect of the building may not be as important as the frontage in heritage terms, the property is located in a Conservation Area and is noted to make a positive contribution to it as an attractive and well-ordered building in its own right. The importance of these factors is explored in greater detail in Section 4.

### **3. PROPOSED EXTENSIONS**

- 3.1 It is proposed that a pair of extensions are erected to the rear of 18 Frognal Way. The extensions are broadly cubed, circa 3.6m in width and 3.8m in depth and are to be located on the outer edges of the ground floor terrace (see photos at Appendix 1).
- 3.2 The extensions will make good use of the degree of enclosure of this part of the terrace. The existing outer parapet walls would be built up to approximately 2.3m in height (again, see photos at Appendix 1), whilst the existing southern parapet wall would remain as existing, with new windows (four panes) placed atop. The inner faces of the extensions (ie, facing into the existing terrace), would comprise sliding/folding doors. The existing external doors to the terrace would be retained as the means of entry to the extended part of the building. The extensions would be covered by a glass panelled roof.
- 3.3 The proposed extensions comprise two minor additions (circa 12m<sup>2</sup> internally each) relative to the existing property. The external faces of the extensions benefit to a large extent from existing structure. The extensions are purposefully 'lightweight', both in terms of structure and materials. They form linear extension to the existing kitchen and dining facilities, located on the eastern side of the property at ground floor, adjacent to the side terrace.
- 3.4 Rainwater goods would match existing and care would be taken to ensure consistence of fenestration. The applicant suggests a condition is imposed requiring the submission and approval of materials prior to their installation.



#### 4. APPLICATION APPRAISAL

- 4.1 Applications for new development should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. Camden adopted its Local Plan on 3<sup>rd</sup> July 2017.
- 4.2 In determining an application for rear extensions it is necessary to ensure that the proposal will not cause unacceptable harm to the amenity of neighbours in line with Policy A1 'Managing the impact of development'.
- 4.3 Due to the existing terrace here, there are unlikely to be any issues of overlooking and/or privacy, given that residents can at any time use the existing terrace, and that any overlooking would effectively be minimised by virtue of the enlarged flank walls of the proposed extensions. The corollary is that neighbouring properties do at present benefit from views over and across the terrace, maintaining a sense of space and openness, which may be reduced by extensions at this level. However, as noted in Section 2, views across the rear of the property from 4 Ellerdale Close are only available from secondary bedrooms and bathroom windows. Likewise, the extension would be all but unseen in views from 14 Frognal Way.
- 4.4 It might be suggested that extending the property onto the terrace increases the prospect of other impacts, primarily in respect of activity, noise and light. Equally, use of the terrace is presently unrestricted and no less likely to generate disturbance. There is already a comprehensive external lighting scheme installed and the terrace is well used, particularly in more clement weather. The effect of constructing extensions here is in fact, to secure a greater degree of enclosure of the remaining part of the terrace, thus to the benefit of local amenity.
- 4.5 In responding to the applicant's request for pre-application advice, the Council agreed with this assessment, confirming that "*Given there is an existing roof terrace, officers raise no objection to the proposal in terms of*

*loss of privacy, sense of enclosure, loss of daylight/sunlight, light pollution or noise and disturbance*” (Camden pre-application advice letter, 5<sup>th</sup> December 2019). It would be seen as unreasonable therefore, if the Council was now to advance objections on these grounds.

4.6 Policy D1 of the adopted Camden Local Plan sets out the Council’s primary decision-taking policy on the design of new development. It sets out no less than 20 criteria, though only several of these are directly relevant to the proposed extensions. These should:

- a. respect local context and character;
- b. preserve and enhances the historic environment and heritage assets in accordance with Policy D2 (see later);
- d. be of sustainable and durable construction and adaptable to different activities and uses;
- e. comprise details and materials that are of high quality and complement local character;
- j. respond to natural features and preserve gardens and open space;

4.7 Consistent with the NPPF, Policy D1 also confirms that the Council will “*resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*”

4.8 The criteria above are given further consideration at Paragraphs 7.2 to 7.38 of the Local Plan; again, not all sections are relevant, particularly given the minor scale and of the proposed extensions. However, of particular relevance is ‘Local Context and Character’ and, the need for development to consider “*character, setting, context and the form and scale of neighbouring buildings*” and the “*character and proportions of the existing building where alterations and extensions are proposed.*”

4.9 Further information on design is found in the 'Camden Planning Guidance on Design' (2015). This requires rear extensions to be designed to "*respect and preserve the original design and proportions of the building, including its architectural period and style*". The Guidance requires that rear extensions to be subordinate to the original building and that they should respect the existing pattern of rear extensions, (where they exist). In terms of heritage, Policy D2 ('Heritage') sets out that the Council will (consistent with relevant national statute) require that "*development within Conservation Areas preserves or, where possible, enhances the character or appearance of the area.*"

4.10 As noted in Section 2, The Hampstead Conservation Area Statement (HCAS) is an important material consideration<sup>1</sup> and identifies 18 Frognal Way as a building which makes a positive contribution to the Conservation Area. Although not statutorily listed, buildings such as 18 Frognal Way are "*...nevertheless important local buildings in their own right and make a positive contribution to the character and appearance of the Conservation Area.*" The HCAS states that:

*"Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability."*

4.11 Whether "*not adversely affect*" equates to "*preserves*" is unclear. The latter infers maintaining the status quo, whereas the former suggests some impact is acceptable as long as it is not 'adverse'. However, Appeal Inspectors have in the past here, quite forcefully stated that the key characteristic of this part of the Conservation Area is its eclectic properties, particularly their frontages

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<sup>1</sup> Albeit, as the document was adopted in 2001, consideration must be given to the weight which can be applied relative to its accuracy in respect of the relevant part of the Conservation Area; Frognal Way having undergone substantial change.

when viewed from the street, suggesting that design at the rear is less relevant to views from within the Conservation Area. Indeed, Section 2 identifies a series of considerations, including appeal decisions, the HCAS and Article 4 Direction indicating this to be the case.

4.12 But it is clear that, despite a range of different architectural styles here, the properties display a good deal of inner homogeneity, whether in terms of form or materials; a matter identified by the 2008 Appeal Inspector when stating that each property *“in itself displays a consistent design.”* Thus, we essentially have a situation where it is possible for a proposal to be acceptable in terms of its effect on the character of the Conservation Area as a heritage asset but equally, unacceptable because of a negative effect on the character of a building as a heritage asset forming part of the Conservation Area. This distinction was highly relevant to the previous alterations and extensions here and is equally so in respect of the current application. Indeed whilst, the Inspector allowed the third appeal, he was critical of the first and second appeal schemes because of their *“disparate architectural styles”* (ie, in terms of the various extensions and alterations proposed) and that these would *“result in an incoherent design”* and thus *“harm the architectural quality of the existing building.”* The Inspector also noted, for example, that *“the pattern of the subdivision of the glazing”* proposed at the rear of the property in the third (successful) appeal was *“consistent within itself and consistent with the design of the rear façade generally.”*

4.13 Because consistency (whether in terms of rhythm and, particularly, symmetry, etc) was considered an important aspect of the original dwelling’s character, the extensions and alterations to it were ultimately successful because they too followed this consistent approach. Whilst subsequent minor additions do not necessarily need to achieve such strict uniformity, anything which notably breaks down this established character, even if sited to the rear, could be the basis of objections.

- 4.14 It is for these reasons that the applicant has been advised to promote rear extensions which preserve the underlying coherence and architectural quality of the building, principally its strong sense of symmetry, and to enable the high quality external appearance of the rear of the building to continue to be 'read' when viewed from the rear (notwithstanding the lack of public views of the property).
- 4.15 The Council should be aware that a number of previous iterations have been rejected by the applicant on the basis these failed to meet these underlying objectives. These included: (a) a single rear extension located on the eastern side of the ground floor terrace; (b) a single centrally located extension (ie, segregating the remaining terrace into two parts); and (c) two extensions (much as now proposed) but constructed from brick with less fenestration. Each was found unacceptable. The first broke down the sense of symmetry and left the rear aspect of the building unbalanced. The second maintained symmetry but felt 'heavy' and foreign, and would have focused outdoor activity at the edges of the remaining terrace. The third, whilst also symmetrical, also appeared rather heavy-ended due to upward extension of the terrace parapets on two sides.
- 4.16 This exploration lead, logically, to a proposal for twin rear extensions either side of the terrace, constructed largely from glass. Helpfully, the flank walls of the terrace parapet are already largely built-up (between perhaps half and one third of the height now proposed) and thus the terrace is already substantially enclosed. The visual change here will be minimal, whilst the remainder of the extension will be constructed from glass, including the roof. This will help the form of the original building to continue to be visible. Yet at the same time, the extensions are different, imaginative and attractive in their own right.
- 4.17 This approach is considered to be wholly acceptable, both in terms of relevant local policy and other material considerations (ie, including the

HCAS). Not only is the form and symmetry maintained across the rear façade but any amenity concerns are also helpfully addressed; there is a good deal more privacy, and use of the outside space will be more contained, whilst remaining wholly functional and meeting the intended objective of providing improved kitchen and dining space.

4.18 Despite the very detailed assessment of relevant policy and other material considerations here, and the very purposeful efforts by the applicant to devise extensions which respond positively to these, the Council's response to the pre-application consultation was broadly negatively in so far as design was concerned. The Council opined that the extensions *"would alter the mass and proportions of the building"* whilst the *"solid walls of the proposed extensions would also alter the profile of the building, reducing the legibility of the original building from the side."*

4.19 Neither of these comments bear objective scrutiny. Whilst any extension will of course add to the mass of an existing building, it must be demonstrated that the increase is harmful, both in the context of the building itself and the Conservation Area. Evidently, the extensions are small, adding little more than 12sqm each in the context of a very substantial building indeed. Furthermore, the very nature of those extensions (where more than 50% of the space is already enclosed by the rear façade of the building, the existing flank and parapet walls of the terrace) and proposed material (ie, glass) results in very minimal impact on the mass of the building. Likewise, the applicant cannot accept that the proposed solid flank walls will have any negative impact on the legibility of the original building, given: (a) the flank wall is already largely built-up; and (b) represents a very minor change in the context of the overall depth of the building.

4.20 For the Council to resist the proposed extensions (ie, on the basis that they should be no more than one storey in height in Conservation Areas), is to misinterpret the proposal and relevant planning objectives in two ways. First, the extensions are single-storey and sit at ground floor level; that they appear

at a high level when viewed from the rear is merely a result of local topography. Second, there is no policy basis to resist extensions greater than a single storey. Rather, reference to 'single storey' flows from 'Guideline' H26 of the HCAS. Guideline H26 also qualifies that the "*general effect [of the proposal] on neighbouring properties and the Conservation Area will be the basis of its suitability*", and not some binary 'yes/no' test.

- 4.21 Also, whilst it is perhaps questionable whether the proposed extensions can be assessed as 'Conservatories' (Guideline H27), they are nonetheless acceptable as proposals which are: (i) small in scale; (ii) subordinate to the original building; (iii) located at ground floor level; (iv) of a design, scale and material(s) sensitive to the special qualities of 18 Frognal Way; and (v) not undermining of the features of the original dwelling.
- 4.22 With the above in mind, it appears to us that the Council has cherry-picked aspects of the HCAS to support its resistance to the proposal at the pre-application stage, rather than performing an objective appraisal of the proposed extension against the full range of policy and other considerations relevant to the Conservation Area, Frognal Way and the subject property, on which there has been significant discourse over the past 15 years. To confirm, a further representation was submitted to the Council on 28<sup>th</sup> January 2020 (see appendix responding to its pre-application consultation and it is understood this has been added to 'the file'. This should be taken into account in the determination of the present application. The applicant has however, undertaken further work to resolve the transition between the eaves of the existing property and the glass roofs of the proposed extensions. Relevant detail is now shown on the submitted drawings.

## 5. CONCLUSIONS

- 5.1 A pair of glass extensions are proposed to be erected on the existing ground floor rear terrace of 18 Frognal Way. The proposal constitutes development for which there are no permitted development rights. Policies in the Local Plan and other material considerations have been considered. This has helped distinguish between objectives of the Conservation Area on the one hand, and considerations regarding the building and its aesthetic on the other. The proposed rear extensions engage with the latter very much more than the former, and thus maintaining the consistency of the building (principally its highly symmetrical form) is the main issue for consideration.
- 5.2 Great care is taken therefore, not to upset this consistency and hence two extensions are proposed, rather than one. These are minor in scale, enclose space which is already intimately related to the building and already partly built-up (ie, the existing walls enclosing the terrace), and are to be constructed from lightweight materials. Indeed, the use of glass on the rear, inner and roof surfaces allows the existing building behind to continue to be 'read'. Materials will be consistent with those already in use, albeit the applicant is willing to accept a condition requiring submission and approval of material.
- 5.3 Given the location, design and arrangement of the extensions, privacy is maintained, if not enhanced, yet without any concern regarding the degree of enclosure of neighbouring properties and their gardens. The nature of the extensions does not warrant daylight/sunlight analysis. Local amenity is perhaps enhanced due to the increased sense of enclosure of the remaining ground floor rear terrace in use and the applicant is willing to accept conditions in this respect
- 5.4 With the above in mind, we respectfully ask that planning permission is promptly granted.