

Our Ref: 2535/MY/20200128

28th January 2020

Alyce Jeffrey
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Dear Ms Jeffrey,

PROPOSED EXTENSIONS - 18 FROGNAL WAY, HAMPSTEAD, NW3 6XE

I refer to the above property and your letter of 5th December 2019 (Ref: 2019/5257/PRE) in which you respond to my client's request for pre-application planning advice. We wish to raise a number of concerns regarding your letter.

Conservation Area Setting

Under the heading 'Design' you state that "*the application site is noted to make a positive contribution to the Hampstead Conservation Area*" but then fail to qualify the aspects of the property which achieve this. It is extremely important to do so however, so that there is an appropriate context in which to assess the proposed extensions.

The Council will be aware of several historic appeal decisions here, in which Inspectors have given extensive consideration to the building's contribution to the Conservation Area. They note that whilst the property has a number of qualities, it was not considered worthy of statutory listing. Furthermore, there is broad agreement that development at the rear of the property is less relevant to the Conservation Area setting, and hence why substantial extensions were proposed and approved in this location.

The key heritage consideration for any proposal involving further development at the rear of 18 Frognal Way is not the impact on the components defining the character and appearance of the Conservation Area but of the impact on a building in the Conservation Area; it is a subtle but fundamentally important distinction. In this respect, the March 2018 Inspector noted that although each property at Frognal Way is "*stylistically independent*", each "*displays a consistent design*" and that "incoherent" approaches to design should be rejected. This requires one to assess what generates that consistency at 18 Frognal Way.

Our Design Statement, submitted with the request for pre-application advice, considered this very matter, noting the consistent pattern of rear extensions and fenestration, which reflect the original dwelling's scale and symmetry. These extensions were allowed on appeal primarily because the pattern of sub-division of glazing was said to be "*consistent within itself and consistent with the design of the rear façade generally*." Our Statement opined that the benchmark was "*anything which notably breaks down this established character, even if sited to the rear, could form a basis for objection*."

The Proposed Extension

It is precisely for this reason that our client is promoting duplicate glass extensions, which allow the full form, rhythm and symmetry of the building to continue to be understood. This approach followed the testing of alternative approaches, including a single glass extension (which unbalanced the building's symmetry) and a single, solid, centrally located extension (which felt heavy and foreign).

For the Council to resist such approach (ie, on the basis that extensions should be no more than one storey in height in Conservation Areas), is to misinterpret the proposal and relevant planning objectives in two ways:

1. 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; and
2. There is no policy basis to resist extensions greater than a single storey. Reference to single storeys flows from 'Guideline' H26 of the Hampstead CAA.

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 that rear extensions must not adversely affect the architectural integrity of the building to which they are attached (to the extent the Conservation Area is prejudiced); that is precisely the distinction we make above. Also, whilst it is questionable whether the proposed extensions can be assessed as a 'Conservatory' (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.

With the above in mind, it appears to us that the Council has cherry-picked aspects of the Hampstead CAA to support its resistance to the proposal, rather than performing an objective appraisal of the proposed extension against the full range of policy and other considerations relevant to the Conservation Area and the subject property.

Other Matters

We cannot agree that the building-up of the side walls will so substantially alter the profile of the building that it will reduce "*the legibility of the building from the side*." At least two-thirds of these flank walls already exist (as seen in the photos supplied, and on site); and thus the enclosure of the terrace is largely already complete. However, we acknowledge that further work is required to resolve the transition between the eaves of the existing property and the extension roof. Furthermore, we acknowledge the absence of any objections regarding privacy, enclosure, outlook, daylight/sunlight, light or noise pollution.

In conclusion, we are disappointed that the Council's pre-application advice failed to take the logical and necessary step of assessing the significance of the Conservation Area and the particular components of the subject property which contribute to it. This would have identified that the proposed extensions should be assessed not narrowly as development in a Conservation Area, but extensions to a property located in a Conservation Area. In such situations, the emphasis is to ensure the particular qualities of the subject property are not harmed by the proposed development. Very great care has been taken in this respect, in terms of the arrangement, scale, design and materials of the extensions, which are, in our view, wholly acceptable.

Bearing in mind our quite different positions in respect of the approach to the appraisal of this development, we respectfully ask you to place upon your file, a copy of this letter, so that any subsequent planning officer will be aware from the outset of the relevant issues.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Miles Young', with a long horizontal flourish extending to the right.

Miles Young
Director

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