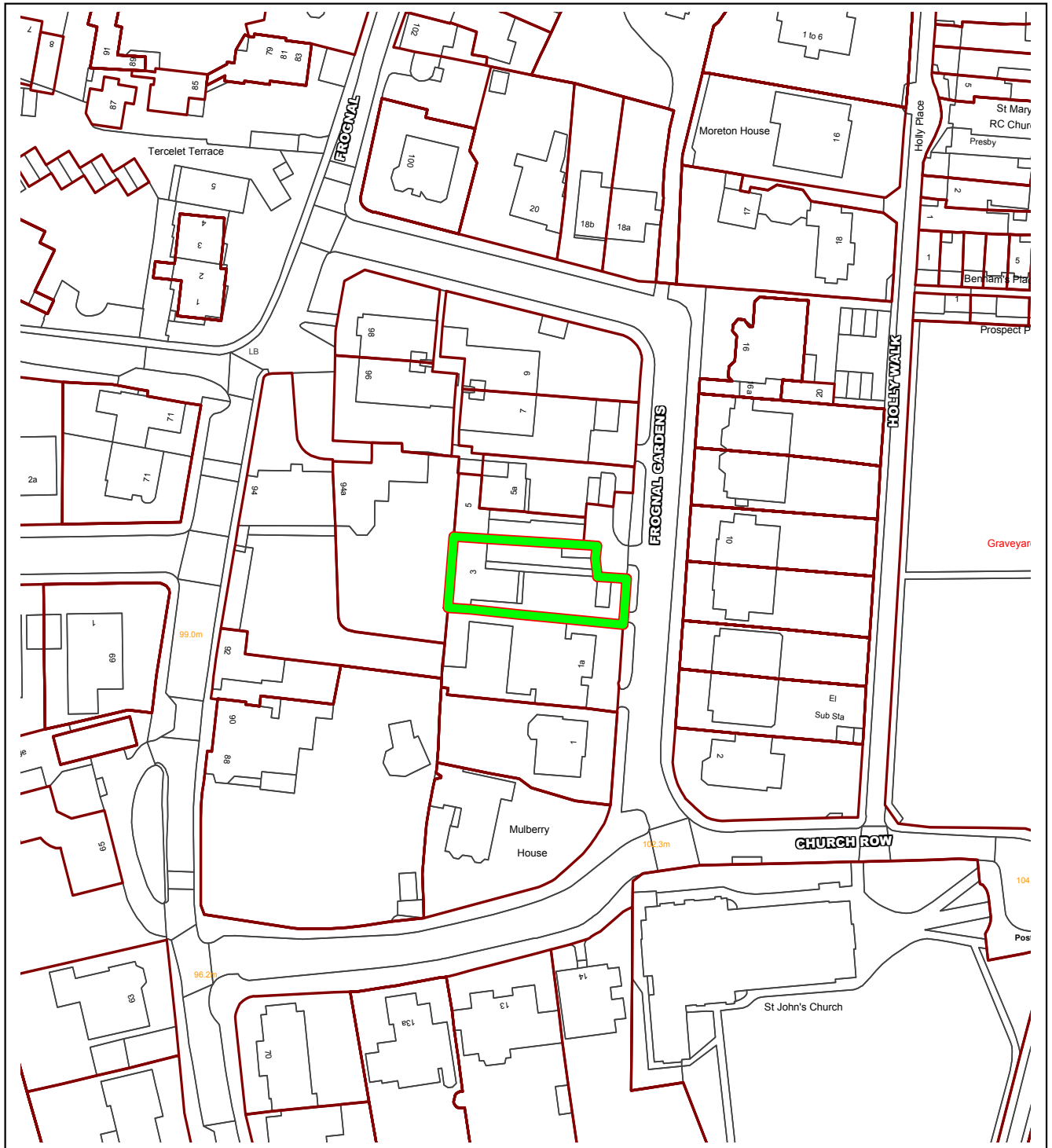


# 3 & 3A Frognal Gardens, NW3 6UY 2019/5995/P



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1. View of both properties from Frognaal Gardens



2. Site extension and terrace (demolished)





3. Front elevation of No.3



4. Front elevation of 3A





5. Outbuilding A

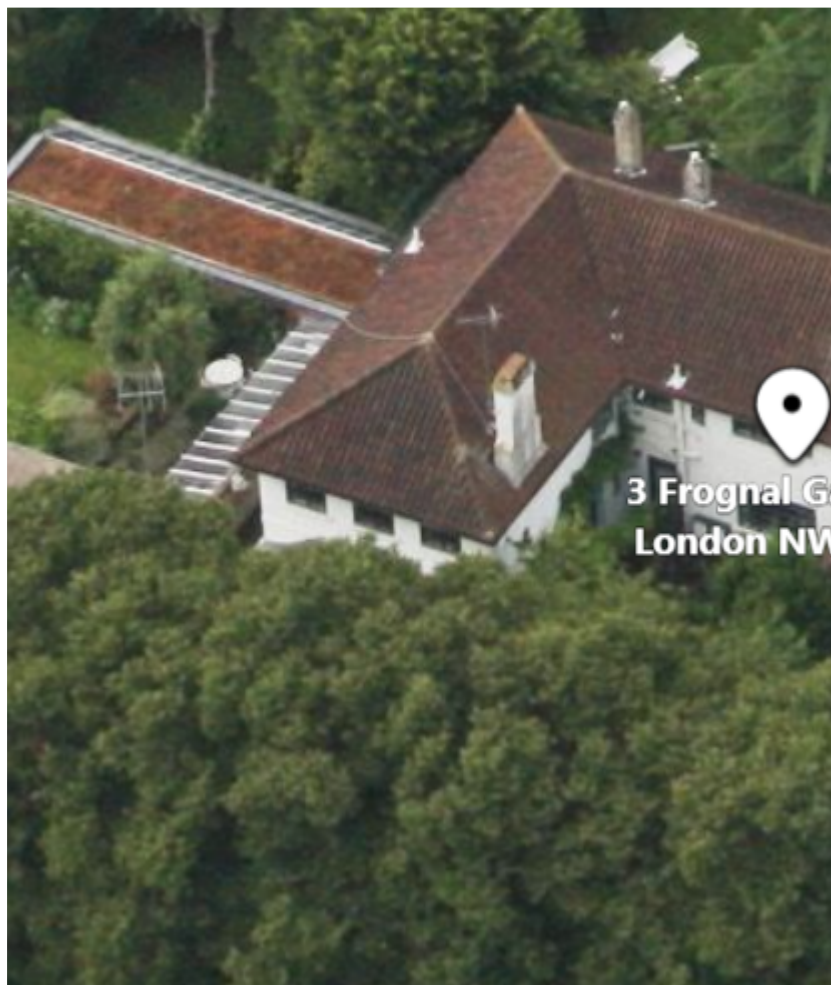


6. Outbuilding B





7. Front boundary front to be extended



8. Ariel view showing the roofslope and existing vegetation

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	12/03/2020
		N/A / attached	<b>Consultation Expiry Date:</b>	17/05/2020
<b>Officer</b>			<b>Application Number(s)</b>	
Sofie Fieldsend			2019/5995/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
3 and 3a Frognal Gardens London NW3 6UY			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Conversion of 1 x 4b dwelling and 1x 3 bed dwelling to 1 x 5 bed dwellinghouse. Replacement single storey side extension and associated first floor terrace. Replacement of all windows. Replacement of side window with doors. Installation 2x front rooflights and solar panels. Single storey side extension and fenestration alterations to outbuilding A. Replacement of outbuilding B. Erection of bin/bike stores. Alterations to front boundary wall.				
<b>Recommendation(s):</b>	Grant conditional planning permission			
<b>Application Type:</b>	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed on the 23/01/2020 and the consultation period expired on the 16/02/2020. A press notice was advertised on 23/01/2020 and expired on 16/02/2020.</p> <p>Reconsultation: A further site notice was displayed on 17/04/2020 and expired on 11/05/2020. A further press notice was advertised on 23/04/2020 and expired on 17/05/2020.</p> <p>No objections were received during this consultation period.</p>					

<p>Hampstead CAAC and Hampstead Neighbourhood Forum</p>	<p>Hampstead CAAC were consulted and raised the following objection:</p> <ol style="list-style-type: none"> <li>1) London and Camden policy is and should aim at retention of flats wherever possible. Attention has been drawn to the Hampstead Neighbourhood Plan objection to amalgamation.</li> <li>2) Rear rooflights appear excessive compared with the roof area. Rooflights are greatly efficient not requiring larger areas also increasing light pollution.</li> <li>3) Solar panels: should be reduced away from edges of the roof plane. We would expect a lesser array to be needed. The balance appears to be aimed at maximising income from the grid, although the balance remaining from a reduced array after satisfying the building's needs should also be more than adequate for the applicant's reasonable desires. Applications for solar panels should require analysis of need and benefit.</li> <li>4) Trees: No report on the tree proposed for felling – planning history of such is now no precedent for felling. Development must take account of and protect existing trees for which there are various solutions for root protection. Owners should be encouraged to maintain and protect their trees.</li> <li>5) The DAS refers to a planning history re trees but is silent on any other matters – eg the outbuildings.</li> </ol> <p><i>Officer response:</i></p> <ol style="list-style-type: none"> <li>1) See section 3</li> <li>2) See section 4.6</li> <li>3) See section 4.7</li> <li>4) See section 6 (Trees)</li> <li>5) The outbuilding at No.3 is now lawful by passage of time and the garage at No.3a has planning permission therefore it would be unreasonable of the Council to request their demolition.</li> </ol> <p>Hampstead Neighbourhood Forum were consulted and raised the following objection:</p> <ol style="list-style-type: none"> <li>1) Proposal contrary to Policy HC1 (2) of the Hampstead Neighbourhood Plan, as well as to Policy H1 of the Camden Local Plan, as it would result in the loss of a self-contained dwelling.</li> </ol> <p>Following re-consultation they provided additional comments:</p> <ol style="list-style-type: none"> <li>1) It still is contrary to HC1 of the Hampstead Neighbourhood Plan as it would involve the loss of a small self-contained dwelling.</li> <li>2) Widening of a garage to facilitate parking (or providing for any off-street parking) appears to be contrary to Camden Local Plan T2. We are uncertain whether this proposal constitutes a re-development by the current occupiers or by new occupiers.</li> <li>3) The loss of a mature cypress would be an unacceptable cost, it seems to us, to provide more parking space.</li> </ol> <p><i>Officer response:</i></p> <ol style="list-style-type: none"> <li>1) See section 3</li> </ol>
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|--|--|
|  | <p>2) <i>The garage is existing and an extension would not create additional car parking. Only one car can be accommodated.</i></p> <p>3) <i>See section 6 (Trees)</i></p> |
|--|--|

## Site Description

The site is two storey semi-detached property which has been subdivided into two units and is located along the western side of Frognal Gardens. The site is located within the Hampstead Conservation Area and while the building is not listed, it is recognised as making a positive contribution to the character of the conservation area. It is also located in the Hampstead Neighbourhood Forum area.

No. 3a has a garage and No.3 has a front outbuilding which appears to be historic.

## Relevant History

### Application site

**TP39047/8360** – The re-building after war damage of No. 3, Frognal Gardens, Hampstead, to the same cubical extent as previously existing, but re-planned as two self-contained flats. – **Granted 07/11/1947**

**3A**  
**25986**- The erection of a private garage– **Granted 18/01/1952**

## Relevant policies

### **National Planning Policy Framework (2019)**

#### **London Plan (2016)**

**Intend to publish London Plan (2019)**

#### **Camden's Local Plan (2017)**

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

#### **Supplementary Guidance**

CPG Design (2019)

CPG Altering and extending your home (2019)

CPG Amenity (2018)

#### **Hampstead Conservation Area Statement (2001)**

#### **Hampstead Neighbourhood Plan (2018)**

Policy DH1: Design

Policy DH2: Conservation Areas and Listed Buildings

Policy HC1: Housing mix

## Assessment

### 1. Proposal

1.1 Planning permission is sought for :

- Change of use of 1 x 4b dwelling and 1x 3 dwelling into a 1 x 5 bed dwellinghouse.
- Replacement single storey side extension and associated first floor terrace.
- Replacement of all single glazed windows with double glazing.
- Replacement of a side window (south elevation) with French doors.
- Installation 2x front rooflights and solar panels.
- Enlargement (0.5m extension) of outbuilding A (existing garage) including alterations to fenestration.
- Replacement of outbuilding B.
- Erection of bin store to side of outbuilding A and bike store to front of outbuilding B.
- Alterations to front boundary wall involving increasing the height by 0.2m (1.1m to 1.3m high)

1.2 During the lifetime of this application the following revisions were received following feedback from the Council's Conservation and Tree Officers :

- Revised existing first floor plans showing the layout for No.3 as a 1x4bed unit rather than a 1x2B unit with store and office.
- Alterations to the design of the replacement side extension.
- Both rooflights have been reduced in scale. One rooflight has been relocated to the rear roof slope and the remaining front rooflight relocated closer to the chimney.
- Solar panels reduced in number, scale and set further away from the edges of the roof
- Replacement fenestration to use integral glazing bars
- Reduction in height of replacement front boundary wall
- Outbuildings to be clad in timber
- Tree plans and arboricultural report updated
- Bike store reduced in scale and doors relocated to ensure they do not open onto the tree
- Bin store relocated near outbuilding A

### 2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Land Use
- Design and Appearance
- Impact on the amenity of adjoining occupiers
- Trees
- Transport

### 3.0 Land Use

3.1 Both the Hampstead CAAC and Hampstead Neighbourhood Forum raised objection to the loss of a single unit and argued that it was contrary to Policy HC1 (2) of the Hampstead Neighbourhood Plan, as well as to Policy H1 of the Camden Local Plan. Local Plan Policy H3 relates to 'protecting existing homes' (rather than Policy H1 which relates to Maximising housing supply). Policy H3 of the Camden Local Plan allows the loss of one unit but resists development that would involve the net loss of two or



more homes. The development only results in the loss of one unit and therefore complies with Policy H3.

3.2 During the lifetime of the application the existing first floor plans of No.3 were amended to show 1x4B rather than 1x2B with store and office. Given the layout and size of the rooms along with the footprint of this unit it is accepted that these rooms can be considered as bedrooms rather than the original layout which was shown as personal use. This is considered appropriate given the layout of the first floor.

3.3 Policy HC1 (2) of the Hampstead Neighbourhood Plan states that 'housing proposals will not be supported which would result in the loss of small self-contained dwellings, either studio or 1 or 2 bedrooms, in conversions'. The development does not result in the loss of any small self-contained units as defined above, therefore the proposal is not considered to be contrary to this policy and in this instance is acceptable.

#### **4.0 Design and Appearance**

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Camden's design policies are supported by CPG Design and CPG Altering and extending your home. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area.

##### Side Extension/Terrace (to southern elevation)

4.2 At ground floor the side extension and associated first floor terrace would be demolished and replaced with an extension and terrace with the same siting and footprint as existing. It will increase in height by 0.1m, this increase in scale is considered to be marginal.

4.3 When a site visit was conducted in March the side extension had already been demolished. Following feedback from the Council's Conservation Officer the detail of the proposed fenestration of the extension was revised to harmonise with the host property. The extension will be rendered with a zinc banding around the eaves and metal framed windows. The use of modern materials is acceptable and will differentiate it as a later addition. Given its significant set back from the street and existing vegetation screening, it would not be visible from the street. The new black metal railings of the terrace will have a similar appearance to the existing and are acceptable.

##### Fenestration/solar panels:

4.4 On the side (southern) elevation at ground floor, the existing window would be replaced with a set of timber windows doors with two smaller scale windows on either side. This aspect will not be visible from the street. The detailed design and material will match the host property and are acceptable alterations to the fenestration.

4.5 All the existing single glazed timber glazed windows will be replaced with double glazed timber windows and will replicate the existing in terms of siting, scale and detailed design. Revised window sections were received showing the windows to have integral glazing bars rather than stick on glazing bars.

4.6 The proposal seeks to install 2x conservation style rooflights on the front and rear roofslopes. The Hampstead CAAC objected to the rear rooflights scale. Originally 2x larger rooflights were proposed on the front roofslope. Following this objection and feedback from the Council's Conservation Officer both rooflights have been reduced in scale. Also one rooflight was relocated to the rear roof slope and the remaining front rooflight relocated closer to the chimney. It is considered that due to its siting, scale, screening from the street and setback from the front boundary that views of this front rooflight would be limited with no public views of the rear rooflight and that the reduced scale of both rooflights ensures that they will be subordinate features. The revised rooflights are considered acceptable in terms of their siting, scale and detailed design.

4.7 Hampstead CAAC objected to the solar panels due to their scale and their proximity to the edges of the roof. They requested that their need be assessed. It is noted that solar panels can be installed as permitted development. Revised drawings reduced the number and scale of the solar panels and they were repositioned away from the edges of the roof. The Council encourages the use of solar panels to improve a buildings sustainability but expects them to be sensitively sited to reduce their visual impact. Requesting an assessment of the need for solar panels on one residential unit would be unreasonable and is not a policy requirement. The Council's Conservation Officer has raised no objection to the solar panels given their siting on a side roofslope and lack of visibility from the streetscene and wider conservation area. The installation of solar panels is acceptable on this roofslope.

#### Front outbuildings and front boundary wall:

4.8 The revised proposal seeks to demolish and rebuild the existing front boundary wall and increase its height by 0.2m (1.1m to 1.3m high). It will be brick to the match the existing. This is a marginal increase in height and would not harm the character and appearance of the streetscene.

4.9 A timber clad bike store (1.03m deep, 2.7m wide and stand at 1.4m high) would be installed in the front garden between the front boundary wall and outbuilding B. It would project only 0.1m above the new front boundary wall. However, it is considered that views would be limited given the height of the wall and existing dense vegetation. A timber clad bin store would be located adjacent to outbuilding A. The stores are acceptable in terms of the scale, siting, material and detailed design.

4.10 Outbuilding A (garage) would be widened by 0.5m. The outbuilding will be clad in timber. This enlargement would be visible from the street. The increase in size is considered to be marginal and would not have a detrimental impact on the character and appearance of the host property, streetscene or conservation area.

4.11 Outbuilding B (garden room) would be demolished and replaced with an outbuilding of identical scale (6.2m wide, 2m deep and 2.7m high). It would be clad in timber to reduce its visual impact. This is acceptable given it is a replacement outbuilding rather than a new structure in the front garden. Any additional outbuildings in the front garden would not be supported.

4.12 Both outbuildings would be clad in timber which will give them a more traditional appearance and reduce their visual impact on the conservation area.

#### Design conclusion:

4.13 Overall it is considered that the revised proposal by reason of its scale, siting and detailed design, would not harm the character and appearance of the host building, the streetscape and wider

Hampstead Conservation Area. It is considered to comply with policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017. The Council's Conservation Officer raised no objections to the scheme.

4.14 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

## **5.0 Amenity**

5.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

5.2 The ground floor side extension and associated terrace at first floor would match the existing siting and footprint, although a 0.1m increase in height is proposed this would not have an adverse impact on neighbouring occupier's amenity in terms of loss of light or outlook. It is noted that the existing extension has windows on the boundary with No.1a Frognal Gardens facing onto their rear garden, although this opening will marginally increase in scale given the current situation it is not considered to result in further loss of privacy or overlooking to an extent that would warrant a reason for refusal.

5.3 Concerns were raised from Hampstead CAAC about the original larger rooflights creating light pollution. Both rooflights were revised to reduce their scale, it is noted that the front rooflight will serve a staircase and the rear a bedroom. While it is acknowledged that there may be some light pollution, given the scale of the revised rooflights the impact is likely to be marginally and would have minimal impact in terms of contributing to light pollution.

5.4 Given the siting and scale of the other aspects of the development and distance to neighbouring properties it is not considered that they would result in detrimental impact on the neighbouring property's amenity in terms of loss of light, outlook, privacy or result in a sense of enclosure.

5.5 The new unit would provide high quality accommodation in terms of floorspace, outlook and light.

## **6.0 Trees**

6.1 Both the Hampstead CAAC and Hampstead Neighbourhood Forum raised objection to the loss of trees in particular the loss of a mature cypress near outbuilding A and the need for tree protection measures.

6.2 A revised tree report was received which outlined the existing trees on the site and which trees were to be protected or replaced.

6.3 The scheme involves the removal of T5, a cat. C cypress tree in the front garden of the property. While in the front garden, T5 is of far lower visibility from the public realm than its position would suggest due to the presence of far larger, dominant lime trees closer to the highway. It is considered that the loss of T5 could be mitigated through replacement tree planting. T12, a cat. C plum tree also in the front garden would also be removed. A Cherry Tree, *Prunus Incisa* (The Bride) would be an acceptable replacement in this instance, it should be at least at least 16/18cm in circumference when measured at 1m above ground.



6.4 A cycle store would be in close proximity to T2. The opening method and the scale of the store was revised to ensure that it not open onto this tree and cause damage.

6.5 A condition has been attached to ensure tree protection measures would be installed and to secure a replacement tree.

## **7.0 Transport**

7.1 Normally in line with Policy T2 the development would need to be secured as car free through a S106 legal agreement. However the applicant has indicated that they will remain in the property following completion of the development so in this instance car-free development does not need to be secured.

7.2 Highways officers have confirmed that neither a construction management plan nor a highways contribution would be necessary given the scale of the works.

## **8.0 Recommendation**

8.1 Grant conditional planning permission.

### **DISCLAIMER**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29<sup>th</sup> June 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2019/5995/P  
Contact: Sofie Fieldsend  
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Date: 24 June 2020

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Alexander Martin Architects Limited  
22-24 Kingsford Street  
London  
NW5 4JT

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**3 and 3a Frognal Gardens  
London  
NW3 6UY**

Proposal:

Conversion of 1 x 4b dwelling and 1x 3 bed dwelling to 1 x 5 bed dwellinghouse. Replacement single storey side extension and associated first floor terrace. Replacement of all windows. Replacement of side window with doors. Installation 2x front rooflights and solar panels. Single storey side extension and fenestration alterations to outbuilding A. Replacement of outbuilding B. Erection of bin/bike stores. Alterations to front boundary wall.

Drawing Nos: 197-LOC-000; 197-LOC-001; 197-EX-100 Rev.A; 197-EX-101 Rev.A; 197-EX-102; 197-EX-200; 197-EX-201; 197-EX-202; 197-EX-203; 197-EX-204; 197-EX-300; 197-EX-301; 197-AP-100 Rev.E; 197-AP-101 Rev. A; 197-AP-102 Rev. C; 197-AP-200 Rev.B; 197-AP-201 Rev.D; 197-AP-202 Rev.A; 197-AP-203 Rev.C; 197-AP-204 Rev.B; 197-AP-205 Rev.C; 197-AP- 300 Rev.B; 197-AP- 301 Rev.A; 197-D-500 Rev.A and Arboricultural Impact Assessment Rev.4 dated June 2020.

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 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

197-LOC-000; 197-LOC-001; 197-EX-100 Rev.A; 197-EX-101 Rev.A; 197-EX-102; 197-EX-200; 197-EX-201; 197-EX-202; 197-EX-203; 197-EX-204; 197-EX-300; 197-EX-301; 197-AP-100 Rev.E; 197-AP-101 Rev. A; 197-AP-102 Rev. C; 197-AP-200 Rev.B; 197-AP-201 Rev.D; 197-AP-202 Rev.A; 197-AP-203 Rev.C; 197-AP-204 Rev.B; 197-AP-205 Rev.C; 197-AP- 300 Rev.B; 197-AP- 301 Rev.A; 197-D-500 Rev.A and Arboricultural Impact Assessment Rev.4 dated June 2020.

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

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report inc. tree protection plan by Tamla Trees ref. 03124Rv4 dated June 2020. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturalist in line with the approved arboricultural report. Details of the site monitoring visits shall be submitted to the tree and landscape officer following each of the three site inspection visits detailed in the report.

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 A2 and A3 of the Camden Local Plan.

- 5 No development shall take place until full details of hard and soft landscaping (including replacement trees) 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 A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.



- 6 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 any phase of the development. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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 landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 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 paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Economy, Regeneration and Investment

**DRAFT**

**DECISION**