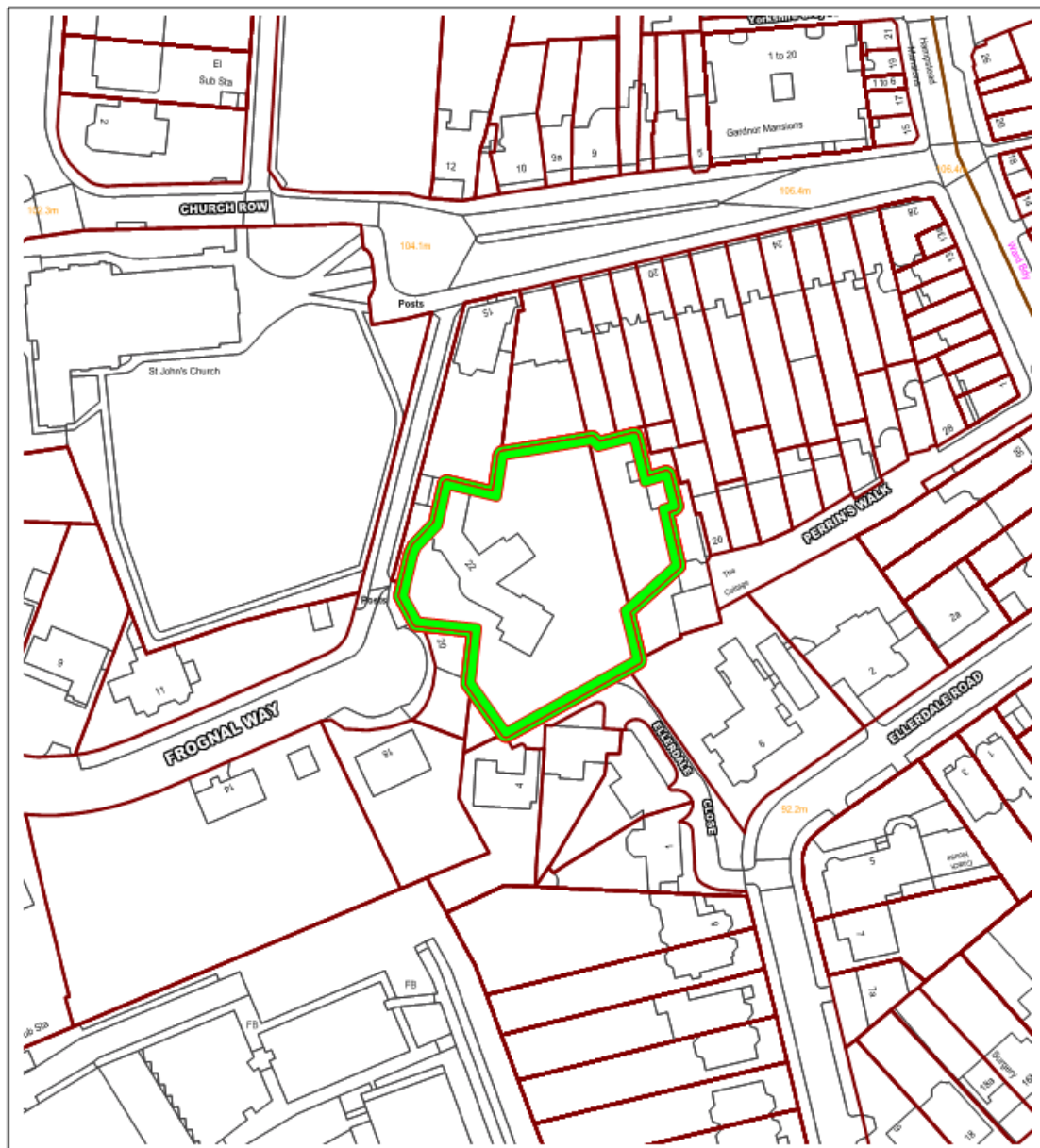


# 2020/4011/P – 22 Frognal Way, NW3 6XE



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- 1) Former boundary wall with cracking and missing mortar, varied bonding and pitted brickwork. The right image shows the use of cement mortar.



- 2) Proposed sample panel of brickwork (available to view on site)





- 3) Good quality bricks from former wall salvaged and to be used in the reconstruction of the proposed wall.

5Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	29/10/2020
		N/A		Consultation Expiry Date:	N/A
Officer				Application Number(s)	
Ben Farrant				2020/4011/P	
Application Address				Drawing Numbers	
22 Frognal Way London NW3 6XE				Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Details of condition 4 (sample panel) of planning permission ref: 2020/1906/P dated 17/08/2020 for: 'Removal of existing boundary wall and external facade of linked outbuilding and its reinstatement to match existing including formation of new gate (Use Class C3).'					
Recommendation(s):		Grant approval of details			
Application Type:		Discharge of conditions application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	2	No. of objections	2
Summary of consultation responses:	<p>As this application is for the discharge of conditions relating to a previously approved full planning application, no statutory consultation is required in accordance with the Council's Statement for Community Involvement. Nevertheless any comments received are duly taken into consideration.</p> <p>2 objections were received from the owners/occupiers of numbers 17 and 19 Church Row, summarised as follows:</p> <ul style="list-style-type: none"><li>• We reinforce the views of the Church Row Residents Association.</li><li>• In the sample the proposed replacement bricks do not appear to be of exactly the same type and are defaced by paint; the mortar appears to be of a modern type.</li><li>• Approval was granted on the basis of reused bricks and lime mortar, nothing else should be allowed.</li></ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"><li>• <i>The brick sample is considered to be an appropriate match to the existing brickwork. Where possible salvaged bricks from the original (now demolished by hand) wall shall be reused in the proposed wall. The salvaged bricks can be seen on the attached photo sheet.</i></li><li>• <i>With regard to paint on the brickwork, as the bricks are reclaimed there will naturally be blemishes due to their age, which is the purpose of re-using the bricks rather than using new ones. The presence of blemishes would not adversely impact the character and appearance of the conservation area (see section 3 of this report).</i></li><li>• <i>Whilst the original submission indicated lime mortar to be used in the construction of the replacement wall, the application requested full details by condition as submitted here. The original wall had numerous repairs/alterations and the use of cement (see figure 01 of the attached photo sheet). A large proportion of the wall was not constructed with lime mortar, and cement could be considered acceptable in this instance, subject to an appropriate finish which would preserve the character and appearance of the conservation area (see section 3 of this report).</i></li></ul>			
Church Row Residents Association	<p>The Church Row Residents Association submitted an objection on 18/09/2020. Summarised below:</p> <ul style="list-style-type: none"><li>• The bricks appear to be recycled old bricks (a positive even if they are much newer than the destroyed bricks) however a fair proportion of the bricks are tarnished with what looks like paint, and the result is not positive and is a poor substitute for the original wall.</li><li>• In addition they appear to have used a cement mortar when a lime mortar should have been used. The applicant should be asked to resubmit with a better match without paint.</li></ul> <p>An amended sample panel of brickwork was submitted to the Council on</p>			

01/10/2020. Details were displayed on the Council's website, and the Church Row Residents association provided a further response on 06/10/2020.

- The revised panel with its painted brick stock and modern mortar remains out of keeping with the original. The bricks should not have paint on them and should resemble the originals with a traditional lime mortar with "flushing pointing"

Officer Response:

- *Please see 'officer response' to neighbour objections above.*

## Site Description

The application site is located on the eastern side of Frogna Way, within the Hampstead Conservation Area. The site is currently implementing the previous consent following the allowing of appeal ref: APP/X5210/W/16/3150327 dated 09/03/2017 to demolish the existing property and rebuild a single family dwellinghouse. Listed buildings exist within the surrounding area, notably nos. 18 and 19 Church Row to the north which are Grade II\* listed.

This application concerns details of brickwork to be used in the construction of a replacement boundary wall following demolition of the previously existing wall due to structural concerns (as approved under ref: 2020/1906/P dated 17/08/2020).

## Relevant Planning History

The site has a long planning history and so only the most directly applicable is noted here:

### 20 Frogna Way (Application Site)

**2020/4046/P** - Details of replacement tree planting (condition 6) of planning permission ref: 2020/1906/P dated 17/08/2020, for: 'Removal of existing boundary wall and external facade of linked outbuilding and its reinstatement to match existing including formation of new gate (Use Class C3)' - **Application Pending.**

**2020/1906/P** - Removal of existing boundary wall and external facade of linked outbuilding and its reinstatement to match existing including formation of new gate (Use Class C3) - **Granted 17/08/2020.**

**2019/5044/P** - Alterations and repair works to existing boundary wall including removal and infill of existing gates and formation of new gate - **Granted 12/11/2019.**

**2019/3210/P** - Alterations and repair works to existing outbuilding (for use incidental to the use of the host dwellinghouse) and boundary wall, including the increase in roof height, formation of green roof and skylight, installation of new and replacement fenestration, and application of render to south and west elevations - **Granted 14/08/2019.**

**2015/3530/P** - Demolition of existing dwelling house at 22 Frogna Way redevelopment to provide a single detached family dwelling house and all other necessary works - **Refused 18/03/2016 - Allowed at Appeal Ref: APP/X5210/W/16/3150327 dated 09/03/2017.**

## Relevant policies

**National Planning Policy Framework (2019)**

**The London Plan (2016)**

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

**Camden Local Plan (2017)**

A1 Managing the proposed impact of development

D1 Design

D2 Heritage

**Camden Planning Guidance**

CPG Altering and extending your home (2019)

CPG Amenity (2018)

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

DH1 Design

DH2 Conservation areas and listed buildings

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

### **Assessment**

#### **1. The proposal**

- 1.1. Application ref: 2020/1906/P (dated 17/08/2020) grants consent for 'Removal of existing boundary wall and external facade of linked outbuilding and its reinstatement to match existing including formation of new gate (Use Class C3)'. Condition 4 of the planning consent states:

*The existing wall shall be demolished by hand and, where possible, the bricks shall be retained and reused on the replacement wall. Prior to the commencement of the replacement wall, a sample panel of the proposed facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.*

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

- 1.2. This application provides details of a sample panel of brickwork (1x1m) to be used in the construction of the replacement wall as required by condition 4 of planning application 2020/1906/P dated 17/08/2020.

#### **2. Revisions**

- 2.1. Officers raised concerns in response to the details initially submitted of the sample panel. Concerns surrounded the pointing detail appearing modern and heavy, giving too much emphasis against the masonry.
- 2.2. Details of an amended sample panel were submitted on 01/10/2020 with a more traditional appearance to the pointing. The below image shows the difference between the two panels, with the lower half as originally proposed, and the upper half as amended on 01/10/2020. A photo of the full sized sample panel (1x1m) with the amended design can be seen on the attached photo sheet.





Figure 01: Sample panel showing initially submitted pointing detail to the bottom, and amended more traditional pointing to the top.

### 3. Conservation and design

- 3.1. Local Plan policy D1 states that the Council will seek to secure high quality design in development. The Council will require that development: a. respects local context and character; b. preserves or enhances the historic environment and heritage assets in accordance with policy D2 (Heritage).
- 3.2. Local Plan policy D2 states that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.
- 3.3. The application site is located within the Hampstead Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 3.4. The applicant has submitted photographs of a sample panel, with the panel available on site and shall be retained throughout the construction of the replacement wall. The style of mortar has been amended since the original submission to give a more traditional appearance appropriate to the character of the original wall.
- 3.5. It is proposed to use cement mortar for the boundary wall. Though the full application indicated lime mortar this was subject to full details being submitted and assessed under this current details application. Large portions of the previous wall contained concrete mortar and so the material in principle could be considered. Some elements of the wall had a poor application of the cement mortar (see attached photo sheet). The proposed use of cement mortar and its

application in this instance is considered to provide an acceptable finish to the wall which serves to preserve the character and appearance of the conservation area, as was the reason for the details condition.

- 3.6. The brickwork is considered to be an appropriate style. It is a reclaimed brickwork giving a similar visual appearance to the original wall. Concerns have been raised on the basis that some of the reclaimed bricks have paintwork on them, however blemishes on the bricks are inevitable due to their age, which is the purpose of re-using the bricks rather than using new ones. The presence of blemishes would not adversely impact the character and appearance of the conservation area.
- 3.7. Where possible, original bricks from the wall have been carefully removed and stored following demolition. These will be re-used in the construction of the new wall in compliance with condition 4 (see attached photo sheet).
- 3.8. The proposed details are acceptable materials within the conservation area serving to maintain a high quality finish to the proposed development in compliance with policies D1 and D2 of the Camden Local Plan, and are acceptable on this basis.
- 3.9. The proposal is considered to preserve the character and appearance of the conservation area. 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 2013.

#### **4. Impact on Neighbour Amenity**

- 4.1. Policy A1 of the Camden Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.
- 4.2. No amenity concerns arise as a result of this details of materials application.

#### **5. Conclusion**

- 5.1. Given the above, the proposed development is in general accordance with policies D1, D2 & A1 of the London Borough of Camden Local Plan 2017, DH1 and DH2 of the Hampstead Neighbourhood Plan (2018), the London Plan 2016, Intend to Publish London Plan 2019, and the National Planning Policy Framework 2019.

#### **Recommendation:**

Grant approval of details

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 2<sup>nd</sup> November 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: 2020/4011/P  
Contact: Ben Farrant  
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Email: Ben.Farrant@camden.gov.uk  
Date: 22 October 2020

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DP9 Ltd  
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SW1Y 5NQ

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Approval of Details Granted

Address:  
**22 Frognal Way**  
**London**  
**NW3 6XE**

Proposal: Details of condition 4 (material sample) of planning permission ref: 2020/1906/P dated 17/08/2020 for: 'Removal of existing boundary wall and external facade of linked outbuilding and its reinstatement to match existing including formation of new gate (Use Class C3).'

Drawing Nos: (0)-001\_Rev.1 & Sample panel photograph dated 09/10/2020.

Informative(s):

- 1 You are reminded that conditions 6 (tree and planting) and 9 (green roof) of planning permission 2020/1906/P dated 17/08/2020 are outstanding and require details to be submitted and approved.

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**