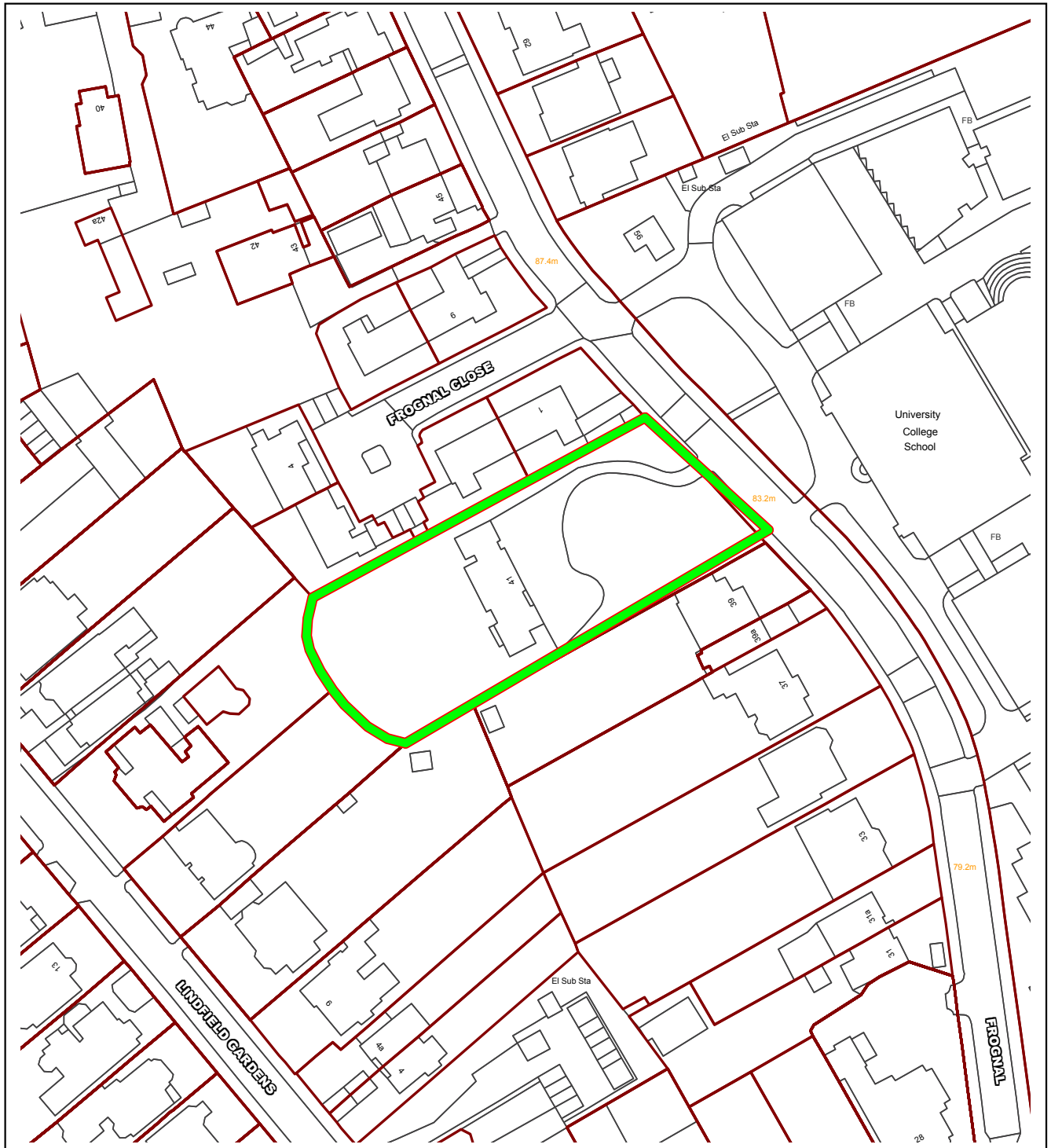


41 Frognal, NW3- 2020/0419/P



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Site Photos



Photo 1 Proposed Garden Structure. No.2 and 3 Frogna Close adjoin the site. 3 Frogna Close is visible beyond the structure.



Photo 2: Proposed Garden Structure set away from host property



Photo 3: Inside Garden Structure East facing



Photo 4: Inside garden structure west facing



Photo 5: Proposed structure's retractable roof.

Delegated Report		Analysis sheet		Expiry Date:	24/03/2020
(Members Briefing)		N/A		Consultation Expiry Date:	12/04/2020
Officer			Application Number(s)		
Joshua Ogunleye			2020/0419/P		
Application Address			Drawing Numbers		
41 Frognal London NW3 6YD			See decision notice		
PO 3/4	Area Team Signature	PO 3/4	Area Team Signature		
Proposal(s)					
Erection of single storey garden pergola (retrospective)					
Recommendation(s):		Grant planning permission			
Application Type:		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	01	No. of objections	01
Summary of consultation responses:	Six site notices were displayed on Frognal, Frognal Close and Lindfield Gardens.					
	Site notice displayed 16/03/2020 to 09/04/2020 Press advert published 19/03/2020 to 12/04/2020 Letters of objection was received from local residents. The response has been summarised below. <u>Consultation</u> 1. Both this and the original additional structure within the garden fly against both the generality and the specifics of both the Redington and Frognal Conservation Statement of 2000 and the emerging Redington and Frognal Neighbourhood Plan [Draft 2019]. I will not rehearse these documents and their weight as material considerations, as I am sure they are well known to you, but simply draw your attention to RF1 of the Guidelines on page 28 of the former and SD5 on page 21 and BGI 1 on page 26 of the latter'. 2. The Application is for a retrospective Planning Consent for works which the Application form states commenced 1 November 2019. We demur on this point, as will be made clear below, given that site photographs show the original works to have commenced on or before 14 September 2019, and original structural drawings drawn up and dated January 2019 had already noted this work as being for 'upper terrace under pergola canopy'. 3. Whilst the Planning Application form terms the structure as being the 'Construction of a rear garden structure ancillary to the enjoyment of the dwelling' all of the drawings and supporting documents term the structure as being a 'pergola'. Clearly this steel framework and roofed structure cannot really be termed a pergola, this being a rather gentle and user-friendly terminology, as this is defined in the dictionary as being 'an arbor formed of horizontal trelliswork supported on columns or posts, over which vines or other plants are trained'. 4. The attached photographs of the already built structure underlines our concern that this roof is less of a 'structure with retractable of blinds' and more of a permanent structure as there appears to be no retractability for the roof as constructed. It may well be that these louvres are adjustable, but there appears to be no housing on either the drawings or on site to house the 'roof blades' if there were, indeed, retracted [see attached photograph / document 8 and 9]. 5. The pergola equates to an area of 47.25 square metres [500 square feet] and a volume of 118 cubic metres. This is the equivalent size of					

a 1 bed x 2 person flat as set out in the London Plan. We wonder why a structure within the garden area, given the more than adequate facilities in a house for 7 bedrooms [10 bed spaces] that sits immediately adjacent, would require to be of this substantial size within the garden.

6. We note the later submission of the document '2160 - 41Frognal – Pergola Landscape Planning Submission - additional information 2020.03.03.1' for the earlier '2160 - 41Frognal - Pergola Landscape Planning Submission 2020.01.28.pdf,' with the only amendment being the addition of the front page of 'Prepared for Planning Ref 2019/1979/Full. We can see no purpose in this other than, perhaps, seeming to be a cynical attempt to align this Application to the one made for 'Erection of timber-clad outbuilding and bin store in front garden and 4 brick gate piers along front boundary enclosure' as stated in the Council's description of the Application and DP9's, in their letter accompanying that Application, of being for 'The current proposal seeks the following development within the residential curtilage of the dwelling;
7. As the location plan shows this building backs onto the gardens of 2 and 3 Frognal Close, so the concern for both of those properties is the likelihood of large gatherings possible within such a large structure so close to their boundaries. The attached drawing / photographs graphically illustrate this point as the issue will clearly be one of potential noise and visual disturbance.
8. We note the inclusion within the structure of a 'fireplace with a gas fired fire box' sitting on a 'low seat / hearth'. It seems a rather strange element to place within a garden context, and concerns us as with little variance from what is installed that this could, with little alteration, so easily become an open fire / barbecue.
9. There is an enormous amount of cabling that seems to be destined to service this structure, yet for a simple 'pergola' within the garden we wonder what the purpose of this is? If, as seems likely, it is for lighting, power, or a sound installation, the potential source of annoyance to the occupants of 2 and 3 Frognal Close would seem to be self-evident
10. There is a red dotted line that purports to delineate the difference between the 'pergola' floor level and the existing ground level. From the photographs it appears to indicate the structure is higher within the landscape than the drawings show
11. Note is made of the height for the boundary wall fencing with 3 Frognal Close boundary as being 92.432 on the drawing 2160-P-20, and the level purported for the Applicant's land in the same position on the structural engineer's drawing 181101-C101-L that accompanies this letter shows their land at this point being at 90.155. This would mean that the fencing would then be 2,277mm high, i.e. higher than the normal permitted height for boundary fencing of 1.8 metres and higher than the 2 metres shown on 2160-P-20 that the Applicant, in spite of not yet having Planning Consent, has already

installed. We are aware that the Applicant has already planted 5 metre high bamboo in this location, i.e. opposite the south-facing Kitchen window of 3 Frognal Close. Further comment will be made on this on the later. Application for Soft and Hard Landscaping Conditions Discharge but, in the meanwhile, attention is drawn to the result of this for 3 Frognal Close

Officer response:

1. *The relevant comment has been addressed in section 3 of this report.*
2. *The amount of time that has elapse since construction began is not a material consideration in this application's assessment.*
3. *The relevant comments on the proposed structure's design and form has been addressed in section 3 of this report.*
4. *The relevant comments on the proposed structure's design and form has been addressed in section 3 of this report.*
5. *The relevant comments on the proposed structure's design and form has been addressed in section 3 of this report.*
6. *Officers consider the erection of a single storey partially enclosed structure of this nature within the rear garden area would be ancillary within its context.*
7. *The relevant comments on amenity impacts has been addressed in section 4 of this report.*
8. *Officers do not consider the introduction of a fire place or barbeque pit would significantly alter the outdoor structure's character as an ancillary to the host property.*
9. *The relevant comments on the proposed structure's design and amenity impact has been addressed in section 3 and 4 of this report.*
10. *Officers have reviewed the submitted drawings as well as verified the structure's detail on site. The level of information provided is considered satisfactory in this context.*
11. *Officers note that the comments refer to elements not being considered by this application. As such, the comments have been referred to enforcement.*

CAAC/Local groups*
comments:
Hampstead CAAC

Hampstead Conservation Area Advisory Committee object-

1. As presented the proposal is not a true pergola but an apparent shoe-in for an enclosed outbuilding greater than permitted under policy. We note the proposed openness, without screens shown in the example – however, what about the roof, lighting, wide screen telly, BBQ and the stated brick back wall?
2. We are concerned that the space would be a night-time nuisance, the nearest residents are only 8-10 metres away in Frognal Close adjacent. Clarity of provision and intended use required. The structure is too close to neighbours and with a permanent wall and hard landscaping.
3. The number of steps proposed and their apparent riser heights suggests a deeper plan than shown for wide treads properly planned with small risers, therefore potentially stretching hard landscaping. Perhaps that could be clarified as we have reservations about hard landscaping spread instead of green. For any agreement on our part we need to see retention of the existing bushes or substitution of adequate equal replacements to the rear of the pergola.
4. Even with planting replacement the pergola reduces wildlife facility. Where is the bamboo screen mentioned in the Frognal Close letter. We consider green garden should be predominant, with little or no structure and minimised hard landscaping.
5. We may not have time to take in all points of the letter from no. 2 Frognal Close, but acknowledge and draw your attention to the apparent need to scrutinize the current application and ongoing/recent landscaping works. That should have regard to its likely impact on neighbours as well as the general environment with and from recent and/or ongoing landscaping works.
6. HCAAC particularly Objects to the applicant's proposed use of artificial grass instead of grassed lawn, mentioned in the letter whether or not associated with the pergola application.

Officer comment-

1. *The relevant comments on the proposed structure's design and form has been addressed in section 3 of this report.*
2. *The relevant comments on amenity impacts has been addressed in section 4 of this report.*
3. *Whilst it is noted that some shrubs are required to be removed however the shrubs are of minimal visibility from the public realm and are not considered to significantly contribute to the character of this part of the conservation area.*
4. *Officers have reviewed the submitted plans and note that no artificial plants are being proposed as part of this application.*

Reddington and Frognal Neighbourhood Forum	<p><u>Redington Frognal Neighbourhood Forum object-</u></p> <p>Redington Frognal Neighbourhood Forum are concerned about the harm caused to the garden suburb character of the Conservation Area by this mega mansion development site.</p> <p>We wish to object to the retrospective application for a 2.5 metre high “metal pergola structure with retractable roof blinds”, which is inconsistent with the Conservation Area.</p> <p><u>Officer comment-</u></p> <p><i>1. The relevant comments on the proposed structure’s design and form has been addressed in section 3 of this report.</i></p>

Site Description

The property is a single family dwelling house set within a large plot with long front and rear gardens.

The building is unlisted and is noted as making a positive contribution to the Redington/Frognal conservation area.

Relevant History

07/08/2018 - planning permission ref 2017/5234/P granted for- Variation of condition 3 (approved plans) of planning permission dated 17.5.17 ref 2016/4558/P (for Partial demolition and new build behind retained façade comprising a lower ground floor extension; ground, first and second floor extensions to the front, side and rear; first and second floor rear terraces to provide a 7-bedroom single dwellinghouse)

10/04/2019 - Certificate of Lawfulness for Proposed Development ref 2018/4115/P granted for- Erection of 2m high entrance gates, piers and timber fences in the front garden set back from front boundary.

14/01/2020 - planning permission ref 2019/1979/P granted for Erection of timber-clad outbuilding and bin store in front garden and 4 brick gate piers along front boundary enclosure

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Intend to publish London Plan (2019)

Camden Local Plan 2017

A1 Managing the impact of development

A3 Protection, enhancement and management of biodiversity

D1 Design

D2 Heritage

CC3 Water and flooding

Draft Redington Frognal Neighbourhood Plan 2019- revised draft submitted in 2020.

Camden Planning Guidance

CPG Design

CPG Amenity

Redington Frogna! Conservation Area Statement 2000

Assessment

1.0 PROPOSAL

1.1. Planning permission is sought for a Pergola like structure within the rear garden area close to the side boundary with No.3 Frogna! close.

- The proposed structure is 4.54m wide, 10.7m long and 2.7m high. The land on which the structure is sited slopes up towards the side boundary wall. The base of the structure is 0.5m above the ground level of the lowest part of the slope. The upper part of the slope has been levelled off by removing approximately 0.3m of earth. The structure is set away from the side boundary wall with No.3 Frogna! Close; the roof is 2.18m from the boundary wall and the rear wall is 2m from the boundary wall. The structure is 0.67m lower than the side boundary wall with 3 Frogna!.
- The structure comprised a mixture of steel frame, concrete wall with timber cladding. Contrary to traditional pergolas the structure would have a solid roof, partially enclosed cladded rear wall, retractable blinds on its sides and roof. The structure would contain a fireplace with a gas-fired fire box. Stone steps would provide access to the structure.
- The structure's front would not be enclosed

2.0 ASSESSMENT

3.1 The main issues to be considered as part of the assessment of the proposal include:

- Design (Section 3)
- Amenity (Section 4)

3.0 DESIGN

3.1 Policy D1 (Design) states that the Council will seek to secure high quality design in all cases. This policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; be sustainable and durable and comprise details and materials that are of high quality and complement the local character. It continues to state 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.

3.2 Policy D2 (Heritage) states that within Conservation Areas the Council will require that development preserves or, where possible, enhances the character or appearance of the area.

Proposed Structure

3.3 The proposed single storey outbuilding would cover 47sqm of the host building's rear garden area, this would be equivalent to 16% of the rear garden area. The proposed floor space would serve as a sheltered amenity space ancillary to the host property. A condition would be attached to ensure the proposed space does not become a self-contained dwelling.

- 3.4 The proposed structure would be set back from the rear boundary wall and the side wall of No.3 Frogna Close by 2.18m. Its height of 2.7m would appear partially sunken behind the neighbour's high boundary wall, given that the structure would sit on sloping ground level. Much of the structure's visual bulk and massing would be screened from public view, given its position in the host property's shadow as well as behind the existing boundary fence.
- 3.5 The use of timber cladding, steel framing and white concrete would appear sympathetic to the host property's modern aesthetics. Furthermore, officers consider the proposed structure would stand as a light weight addition within the predominately verdant landscaping of the rear garden area.
- 3.6 The proposed retractable roof design would help soften the proposed structure's visual bulk and appearance when viewed from surrounding properties. The loss of garden would not be significant within the context of the host property's large garden. Officers consider the proposed materials to be appropriate for the garden context. As such it is not considered that the resulting structure would not disrupt or distract from the visual character of the Hampstead Conservation Area.
- 3.7 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 3.8 The proposed development is in general accordance with Policies D1 and D2 of the Camden Local Plan 2017 and the proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

4.0 Amenity

- 4.1 Policy A1 (Managing the impact of development) confirms that the Council will not grant permission for development that would result in harm to the quality of life for surrounding occupiers and neighbours. For a development of this kind, the main considerations outlined by this policy would be impacts in terms of privacy, outlook and natural light.

Daylight/ Sunlight

- 4.2 The proposed structure would be 670mm below and 2.15m away from its neighbouring boundary wall. Given the proposed structure's scale and siting within the rear garden area, officers do not consider it would give rise to a perceptible loss of daylight / sunlight or increased overshadowing impact.

Overlooking

- 4.3 The proposed garden structure's front and side openings would not directly overlook the neighbouring properties. Where the rear wall would be partially enclosed it would have a height of 1.9m. As such, it is considered that the proposed work would not give rise to adverse levels of overlooking of neighbouring occupiers and would be considered acceptable.

Noise and disruption

- 4.4 Officers note that the proposed outdoor structure is set away from the boundary wall of No.3 Frogna Close by 2.15m and is set away from the nearest residential property by approximately 8m. The presence of a solid wall and retractable louvers on the structure would contribute to diffusing noise emitted from its use. Given that the proposed structure would be used within the setting of a domestic property, officers do not consider its use would cause significant noise or disruption as such would not warrant a refusal.

5.0 RECOMMENDATION

6.1 Grant conditional planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29th June, 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 and search for 'Members Briefing'.

Application ref: 2020/0419/P
Contact: Joshua Ogunleye
Tel: 020 7974 1843
Email: Joshua.Ogunleye@camden.gov.uk
Date: 25 June 2020

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

DP9
100
Pall Mall
London
SW1Y 5NQ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
41 Frognal
London
NW3 6YD

Proposal:
Erection of single storey garden pergola (retrospective).

Drawing Nos: Site Location Plan, 2160-P-20, 2160-P-21, Additional Material, Rear Garden Pergola At 41 Frognal

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 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 of the London Borough of Camden Local Plan 2017.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 2160-P-20, 2160-P-21, Additional Material, Rear Garden Pergola At 41 Frognal

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

- 3 The development hereby approved shall only be used for purposes ancillary to the residential use of 41 Frognal and shall not be used as a separate independent Class C3 dwelling.

Reason: To ensure that future occupation of the development does not adversely affect the amenity of the immediate area by reason of noise, traffic congestion and excessive on-street parking, in accordance with policy A1, A4 and T2 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.

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