

18a Frognal Gardens

Draft Design & Access & Heritage Statement

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Contents

1.1 Document Structure 1.2 Project Overview 4 4 2.2 Design Responses to Pre-App 1.3 Planning Context 5 4.3 Design Responses to the DRP 1.4 Further Setback of the Front Extension 1.5 Site Location 1.6 Site Location 1.7 Site Location 1.8 Site Location 1.9 Historic Urban Development 1.1 4.8 Views of Scheme Before & After DRP and LBC Comments 1.2 Historic Urban Development 1.3 Historic Building Materials: Variety and Revival 1.6 The Frognal Sub-Area 1.7 Contribution of Frognal Gardens to significance of CA 1.8 Architectural Features of the Late Victorian / Early Edwardian Period 1.1 Summary of Contextual Analysis 1.2 Supporting Documents 1.3 Site Assessments 1.4 Supporting Documents 1.5 Architectural Foreign Building 1.5 Architectural Drawings 1.5 Architectural Drawings 1.5 Architectural Period 1.6 Concept & Design Development 1.7 Inspiration 1.8 Vicewa of Scheme Before & After DRP 1.9 Architectural Features of the Late Victorian / Early Edwardian Period 1.9 Landscape Context Features 1.0 Contribution of Team Significance of CA 1.1 Summary of Contextual Analysis 1.2 Supporting Documents 1.1 LB Camden DRP Report of Chair's Review Meeting by Frame Projects 1.1 Deplication of Demolition 1.2 LB Camden DRP Report of Chair's Review Meeting by Frame Projects 1.2 Devilight Sunlight Report by Deliva Patnan Redier 1.3 Archaeological Desk Top Study by Archaeology Collective 1.4 Site Architectural Craftsmanship 1.5 Devilight Sunlight Report by Deliva Patnan Redier 1.5 Devilight Sanlight Report by Archaeology Collective 1.5 Devilight Sanlight Report by Deliva Patnan Redier 1.6 Sanden House 1.7 Archaeological Desk Top Study by Archaeology Collective 1.8 Easement Impact Assessment by Akera Engineering Partnership 1.9 Landscaping 1.1 Site Levels & Excavation 1.2 Parking & Cycle Strategy 1.3 Site Levels & Excavation 1.3 Existing & Cycle Strategy 1.3 Site Sanlight Persion 1.5 Derainage Report 1.5 Drainage Report 1.		1.0	Introduction		4.0	Design Evolution	
1.3 Planning Context		1.1	Document Structure	4	4.1	Summary of Responses to Planning Advice	
2.0 Context Analysis 2.1 Site Location 2.2 The Hampstead Conservation Area & 9 4.6 Reduction of the Overall Height 2.2 The Hampstead Conservation Area & 9 4.7 Summary of Design Responses to the DRP and ElaC Comments 2.3 Historic Urban Development 11 4.8 Views of Scheme Before & After DRP 2.4 Hampstead: Tradition and Innovation 12 & LBC Comments 2.5 Historic Building Materials: Variety and Revival 15 2.6 The Frognal Sub-Area 16 5.0 Heritage Statement 2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period 2.9 Landscape Context Features 2.0 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 23 Supporting Documents 2.12 The Existing Building 24 - Architectural Drawings 2.13 Site Analysis 26 by Alison Brooks Architects 2.14 Site Assessments 29 2.15 Justification for Demolition 30 Prame Projects 3.0 Concept & Design Development 3.1 Inspiration 32 3.2 Proportion and Scale 34 - Arboricultural Assessment by Delva Patman Redler 3.3 A Garden House 38 by CSG Ushers 3.4 Wewing the Horizontal and the Vertical 40 - Archaeology Collective 3.5 Inspiration from the Local Context 41 by Archaeology Collective 3.6 Material Craftsmanship 42 Inspiration from the Local Context 41 by Akera Engineering Partnership 3.1 Layout 52 Dervinonmental Engineering Partnership 3.1 Layout 52 Dervinonmental Engineering Partnership		1.2	Project Overview	4	4.2	Design Responses to Pre-App	
2.1 Site Location 8 4.6 Reduction of the Overall Height 2.2 The Hampstead Conservation Area & 9 4.7 Summary of Design Responses to the DRP and LBC Comments 2.3 Historic Urban Development 11 4.8 Views of Scheme Before & After DRP 2.4 Hampstead: Tradition and Innovation 12 & LBC Comments 2.5 Historic Building Materials: Variety and Revival 15 2.6 The Frognal Sub-Area 16 5.0 Heritage Statement 2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period 2.9 Landscape Context Features 20 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 23 Supporting Documents 2.12 The Existing Building 24 - Architectural Drawings by Alison Brooks Architects 2.13 Site Analysis 26 Dy Alison Brooks Architects 2.14 Site Assessments 29 2.15 Justification for Demolition 30 Brooks Architects 3.0 Concept & Design Development 1 Inspiration 32 Proportion and Scale 34 - Arrboricultural Assessment 34 Dy Canden House 35 Dy Alison Brooks Architects 3.1 Inspiration 42 - Archaeological Desk Top Study by Archaeology Collective 36 Material Craftsmanship 42 Inspiration from the Local Context 41 Dy Archaeology Collective 36 Dy Archaeology Collective 37 Dy Review Panel Report of Chair's Review Meeting by CSC Ushers 38 Dy CSC Ushers 39 Dy CSC Ushers 39 Dy CSC Ushers 30 Dy CS		1.3	Planning Context	5	4.3	Design Responses to the DRP	
2.1 Site Location 8 4.6 Reduction of the Overall Height 2.2 The Hampstead Conservation Area & 9 4.7 Summary of Design Responses to the DRP and Statement of Significance 11 4.8 Views of Scheme Before & After DRP 2.4 Hampstead: Tradition and Innovation 12 & & LBC Comments 2.5 Historic Building Materials: Variety and Revival 15 2.6 The Frognal Sub-Area 16 5.0 Heritage Statement 2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period 2.9 Landscape Context Features 20 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 23 Supporting Documents 2.12 The Existing Building 24 - Architectural Drawings by Alison Brooks Architects 2.13 Site Analysis 26 by Alison Brooks Architects 2.14 Site Assessments 29 2.15 Justification for Demolition 30 - LB Camden DRP Report of Chair's Review Meeting by Frame Projects 3.0 Concept & Design Development 1 Inspiration 32 - Architectural Prawing The Proportion and Scale 34 - Archoricultural Assessment by Deliva Patman Redier 1 - Daylight Sunlight Report by Deliva Patman Redier 1 - Archaeological Desk Top Study by Archaeology Collective 41 Day Alexandro Constant 41 Dayout 3.6 Material Qualities 43 Dayout 3.7 Material Qualities 43 Dayout 52 Dayigneer Report Day Environmental Engineering Partnership 52 Daying Review Patmental Engineering Partnership 54 Dy Environmental Engineering Partnership 55 Derivironmental Engineering Partnership 55 Derivironmental Engineering Partnership 55 Derivironmental Engineering Partnership 55 Daying Parking & Cycle Strategy 55					4.4	Further Setback of the Front Extension	
2.2 The Hampstead Conservation Area & 9		2.0	Context Analysis		4.5	Replanning the Second Floor	
Statement of Significance		2.1	Site Location	8	4.6	Reduction of the Overall Height	
2.3 Historic Urban Development 11 4.8 Views of Scheme Before & After DRP 2.4 Hampstead: Tradition and Innovation 12 & & LBC Comments 2.5 Historic Building Materials: Variety and Revival 15 2.6 The Frognal Sub-Area 16 5.0 Heritage Statement 2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period Understand 18a Frognal Gardens to significance of CA 2.9 Landscape Context Features 20 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 23 Supporting Documents 2.12 The Existing Building 24 Architectural Drawings by Alison Brooks Architects 2.13 Site Analysis 26 by Alison Brooks Architects 2.14 Site Assessments 29 2.15 Justification for Demolition 30 By Frame Projects 3.0 Concept & Design Development 2 3.1 Inspiration 32 Daylight Report by Delva Patman Redler 3.2 Proportion and Scale 34 Archaeological Desk Top Study by Archaeology Collective 19 Development 2 3.5 Inspiration from the Local Context 41 by Ackara Engineers & Soil Consultants 3.6 Material Qualities 43 Basement Impact Assessment by Ackara Engineers & Soil Consultants 3.7 Material Qualities 43 Basement Impact Assessment by Ackara Engineers & Soil Consultants 3.8 Façade Pattern 44 3.9 Landscaping 46 Energy Statement by Environmental Engineering Partnership 51 Drainage Report by Environmental Engineering Partnership 51 Drain		2.2	The Hampstead Conservation Area &	9	4.7	Summary of Design Responses to the DRP and	
2.4 Hampstead: Tradition and Innovation 12 & & LBC Comments 2.5 Historic Building Materials: Variety and Revival 15 2.6 The Frognal Sub-Area 16 5.0 Heritage Statement 2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period Pictorian / Early Ear			Statement of Significance			LBC Comments	
2.5 Historic Building Materials: Variety and Revival 2.6 The Frognal Sub-Area 2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period 2.9 Landscape Context Features 2.0 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 2.12 The Existing Building 2.13 Site Analysis 2.14 Site Assessments 2.15 Justification for Demolition 2.16 Concept & Design Development 3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration find the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Site Levels & Excavation 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.13 Site Levels & Excavation 3.14 Site Levels & Excavation 3.17 Site Levels & Excavation 3.18 Site Levels & Excavation 3.19 Engineer of CA 3.10 Site Levels & Excavation 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.15 Parking & Cycle Strategy 3.16 Parking & Cycle Strategy 3.17 Design Partnership 3.18 Site Levels & Excavation 3.19 Engineer in Partnership 3.10 Site Levels & Excavation 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.17 Site Levels & Excavation 3.18 Parking & Cycle Strategy 3.19 Parking & Cycle Strategy 3.10 Levels & Excavation 3.10 Levels & Excavation 3.10 Levels & Excavation 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.17 Site Levels & Excavation 3.18 Parking & Cycle Strategy 3.19 Parking & Cycle Strategy 3.10 Levels & Excavation 3.10 Levels & Excavation 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.15 Parking & Cycle Strategy 3.16 Parking & Cycle Strategy 3.17 Site Levels & Excavation 3.18 Parking & Cycle Strategy 3.19 Parking & Cycle Strategy 3.10 Parking & Cycle Strategy 3.10 Parking & Cycle Strategy 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy		2.3	Historic Urban Development	11	4.8	Views of Scheme Before & After DRP	
2.6 The Frognal Sub-Area 16 5.0 Heritage Statement 2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period Victorian / Early Edwardian Period Design Review Panel Report 2.9 Landscape Context Features 20 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 22 2.11 Summary of Contextual Analysis 23 Supporting Documents 2.12 The Existing Building 24 - Architectural Drawings by Alison Brooks Architects 2.13 Site Analysis 26 by Alison Brooks Architects 2.14 Site Assessments 29 - LB Camden DRP Report of Chair's Review Meeting by Frame Projects 3.0 Concept & Design Development 31 Inspiration 32 Daylight Sunlight Report by Delva Patman Redler 3.1 Inspiration 32 Daylight Sunlight Report by CSG Ushers 3.4 Weaving the Horizontal and the Vertical 40 Acarden House 41 Archaeological Desk Top Study by Archaeology Collective 41 Sasesment by Achaeology Collective 41 Sasesment by Achaeology Collective 42 Basement Impact Assessment by Akera Engineers & Soil Consultants 3.8 Façade Pattern 44 3.9 Landscaping 46 Energy Statement by Environmental Engineering Partnership 41 3.10 Layout 52 Drainage Report by Environmental Engineering Partnership 42 3.11 Site Levels & Excavation 54 Drainage Report by Environmental Engineering Partnership		2.4	Hampstead: Tradition and Innovation	12		& LBC Comments	
2.7 Contribution of Frognal Gardens to significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period Victorian / Early Edwardian Period Design Review Panel Report 2.9 Landscape Context Features 20 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 22 Summary of Contextual Analysis 23 Supporting Documents 2.11 Summary of Contextual Analysis 23 Supporting Documents 2.12 The Existing Building 24 - Architectural Drawings by Alison Brooks Architects 2.13 Site Analysis 26 Justification for Demolition 30 Degrame Projects 2.15 Justification for Demolition 30 Design Development 30 Design Development 30 Design Development 31 Inspiration 32 Design Development 32 Design Development 33 A Garden House 34 A Garden House 35 Design Development 36 Design Development 37 Design Development 38 Design Development 39 Design Development 30 Design Development		2.5	Historic Building Materials: Variety and Revival	15			
significance of CA 2.8 Architectural Features of the Late Victorian / Early Edwardian Period 2.9 Landscape Context Features 20 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 2.12 The Existing Building 2.13 Site Analysis 2.14 Site Assessments 2.15 Justification for Demolition 2.16 Concept & Design Development 3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.15 Jessign Bevelopment 3.16 Parking & Cycle Strategy 3.17 Design Development 3.18 Parking & Cycle Strategy 3.18 Appendices 3.19 Design Report 3.19 Design Development 3.19 Design Development 3.19 Landscaping 3.19 Lardscaping 3.10 Layout 3.10 Design Development 3.10 Design Development 3.10 Design Development 3.10 Design Development 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.12 Appendices 3.12 Design Development 3.20 Design Review Panel Report 4.21 Design Review Panel Report 5.22 Design Review Panel Report 5.23 Design Review Panel Report 5.24 Architectural Drawings 5.25 Design Decuments 5.25 Design Decuments 5.26 Appendices 5.27 Appendices 5.29 Design Review Panel Report 5.20 Design Review Panel Report 5.20 Design Review Panel Report 5.21 Design Review Panel Report 5.22 Design Review Panel Report 5.23 Design Review Panel Report 5.24 Design Review Panel Report 5.25 Design Review Panel Report 5.26 Design Review Panel Report 5.27 Design Review Panel Report 5.28 Design Review Panel Report 5.29 Design Review Panel Report 5.20 Design Review Panel Report 5.20 Design Report 5.21 Design Report 5.22 Design Report 5.23 Design Report 5.24 Design Report 5.25 Design Report 5.26 Design Report 5.27 Design Report 5.28 Design Report 5.29 Design Report 5.20 Design Report 5		2.6	The Frognal Sub-Area	16	5.0	Heritage Statement	
Appendices Victorian / Early Edwardian Period 2.9 Landscape Context Features 2.0 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 2.12 The Existing Building 2.13 Site Analysis 2.14 Site Assessments 2.15 Justification for Demolition 2.16 Concept & Design Development 2.17 Inspiration 2.18 Proportion and Scale 2.19 Proportion and Scale 2.10 Sagarden House 2.11 Inspiration from the Local Context 2.12 Proportion from the Local Context 2.13 Package Pattern 2.14 Weaving the Horizontal and the Vertical 2.15 Inspiration from the Local Context 2.16 Material Craftsmanship 2.17 Material Qualities 2.18 Package Pattern 2.19 Landscaping 2.19 Parking & Cycle Strategy 2.10 Design Review Panel Report 2.11 Design Review Panel Report 2.12 Design Review Panel Report 2.12 Design Review Panel Report 2.13 Design Review Panel Report 2.14 Site Assessments 2.15 Supporting Documents 2.16 Architectural Drawings 2.17 Architectural Drawings 2.18 Camden DRP Report of Chair's Review Meeting 2.19 Daylight Sunlight Report 2.19 Daylight Sunlight Report 2.19 Daylight Sunlight Report 2.10 Daylight Sunlight Report 2.10 Daylight Sunlight Report 2.11 Architectural Drawings 2.12 Cardinal Daylight Sunlight Report 2.12 Daylight Sunlight Report 2.13 Daylight Sunlight Report 2.14 Architectural Drawings 2.15 Daylight Sunlight Report 2.16 Daylight Sunlight Report 2.17 Architectural Drawings 2.18 Daylight Sunlight Report 2.19 Daylight Sunlight Report 2.10 Daylight Sunlight Report 2.10 Daylight Sunlight Report 2.10 Daylight Sunlight Report 2.11 Daylight Sunlight Report 2.12 Daylight Sunlight Report 2.13 Daylight Sunlight Report 2.14 Daylight Sunlight Report 2.15 Daylight Sunlight Report 2.16 Daylight Sunlight Report 2.17 Daylight Sunlight Report 2.18 Daylight Sunlight Report 2.19 Daylight Sunlight Report 2.10 Daylight Sunlight Report		2.7	Contribution of Frognal Gardens to	17			
Victorian / Early Edwardian Period 2.9 Landscape Context Features 20 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 21.11 Summary of Contextual Analysis 2.12 The Existing Building 2.13 Site Analysis 2.14 Site Assessments 2.15 Justification for Demolition 2.15 Justification for Demolition 2.16 Concept & Design Development 2.17 Inspiration 2.18 Proportion and Scale 2.19 Proportion and Scale 2.10 Weaving the Horizontal and the Vertical 2.11 Weaving the Horizontal and the Vertical 2.12 Inspiration from the Local Context 2.13 Inspiration from the Local Context 2.14 Weaving the Horizontal and the Vertical 2.15 Inspiration from the Local Context 2.16 Material Craftsmanship 2.17 Material Qualities 2.18 Material Craftsmanship 2.19 Landscaping 2.10 Layout 2.11 Design Review Panel Report 2.12 Design Review Panel Report 2.12 Design Review Panel Report 2.13 Supporting Decuments 2.14 Supporting Documents 2.15 Supporting Documents 2.16 Carchitectural Drawings 2.17 Design Proporting Documents 2.18 Carchitectural Drawings 2.19 La Carchitectural Drawings 3.10 Layout 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.20 Design Review Panel Report 3.21 Design Review Panel Report 3.22 Design Review Panel Report 3.22 Design Review Panel Report 3.24 Design Review Panel Report 3.24 Design Review Panel Report 3.25 Design Review Panel Report 3.26 Architectural Drawings 3.27 Design Proporting Documents 3.27 Design Proporting Documents 3.28 Proporting Documents 3.39 Landscaping 3.40 Proporting Documents 3.51 Design Proporting Documents 3.61 Design Proporting Documents 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.9 Landscaping 3.0 Design Proporting Documents 3.0 Design Propor			significance of CA				
2.9 Landscape Context Features 2.0 Design Review Panel Report 2.10 Contribution of 18a Frognal Gardens to significance of CA 2.11 Summary of Contextual Analysis 2.12 The Existing Building 2.13 Site Analysis 2.14 Site Assessments 2.15 Justification for Demolition 2.15 Justification for Demolition 2.16 Design Development 2.17 Inspiration 2.18 Proportion and Scale 2.19 Proportion and Scale 2.10 Proportion and Heavily State S		2.8	Architectural Features of the Late	19	_		
2.10 Contribution of 18a Frognal Gardens to significance of CA 22 2.11 Summary of Contextual Analysis 23 Supporting Documents 2.12 The Existing Building 24 - Architectural Drawings by Alison Brooks Architects 2.13 Site Analysis 26 by Alison Brooks Architects 2.14 Site Assessments 29 - LB Camden DRP Report of Chair's Review Meeting by Frame Projects 3.0 Concept & Design Development			Victorian / Early Edwardian Period		App	endices	
significance of CA 22 2.11 Summary of Contextual Analysis 2.12 The Existing Building 2.13 Site Analysis 2.16 Analysis 2.17 Site Assessments 2.18 Justification for Demolition 2.19 Justification for Demolition 2.10 Concept & Design Development 2.11 Inspiration 2.12 Proportion and Scale 2.13 A Garden House 2.14 Weaving the Horizontal and the Vertical 2.15 Juspiration from the Local Context 2.16 Material Craftsmanship 2.17 Material Qualities 2.18 Façade Pattern 2.19 Landscaping 2.10 Supporting Documents 2.10 - Architectural Drawings 2.11 by Alison Brooks Architects 2.12 LB Camden DRP Report of Chair's Review Meeting 2.13 by Frame Projects 2.14 Chair's Review Meeting 2.15 Daylight Sunlight Report 2.16 Daylight Sunlight Report 2.17 Arboricultural Assessment 2.18 by CSG Ushers 2.19 Archaeological Desk Top Study 2.19 Basement Impact Assessment 2.19 by Akera Engineers & Soil Consultants 2.10 Layout 2.11 Site Levels & Excavation 2.12 Parking & Cycle Strategy 2.12 Drainage Report 2.13 Supporting Documents 2.14 Architectural Drawings 2.15 Larchitectural Drawings 2.16 Drainage Report 2.18 Supporting Documents 2.19 Architectural Drawings 2.19 Larchitectural Drawings 2.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.11 Site Levels & Excavation 3.12 Supporting Documents 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy		2.9	Landscape Context Features	20	Design Review Panel Report		
2.11 Summary of Contextual Analysis 2.12 The Existing Building 2.13 Site Analysis 2.6 by Alison Brooks Architects 2.14 Site Assessments 2.15 Justification for Demolition 2.16 Justification for Demolition 3.0 Concept & Design Development 3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.13 Site Analysis 2.4 Architectural Drawings by Alison Brooks Architects 4.1 Architectural Drawings by Alison Brooks Architects 4.2 Architectural Drawings by Alison Brooks Architects 4.3 Architectural Drawings by Alison Brooks Architects 4.4 Architectural Drawings by Alison Brooks Architects 4.5 Architectural Drawings by Alison Brooks Architects 4.5 Architectural Drawings by Alison Brooks Architects 4.5 Architectural Drawings by Alison Brooks Architects 4.6 A		2.10	Contribution of 18a Frognal Gardens to				
2.12 The Existing Building 24 - Architectural Drawings by Alison Brooks Architects 2.13 Site Analysis 26 by Alison Brooks Architects 2.14 Site Assessments 29 2.15 Justification for Demolition 30 - LB Camden DRP Report of Chair's Review Meeting by Frame Projects 3.0 Concept & Design Development - Daylight Sunlight Report by Delva Patman Redler 3.1 Inspiration 32 - Arboricultural Assessment by CSG Ushers 3.2 Proportion and Scale 34 - Arboricultural Assessment by CSG Ushers 3.3 A Garden House 38 by CSG Ushers 3.4 Weaving the Horizontal and the Vertical 40 - Archaeological Desk Top Study by Archaeology Collective 3.5 Inspiration from the Local Context 41 by Archaeology Collective 3.6 Material Craftsmanship 42 3.7 Material Qualities 43 - Basement Impact Assessment by Akera Engineers & Soil Consultants 3.8 Façade Pattern 44 3.9 Landscaping 46 - Energy Statement by Environmental Engineering Partnership 3.10 Layout 52 - Drainage Report by Environmental Engineering Partnership			significance of CA	22			
2.13 Site Analysis 26 by Alison Brooks Architects 2.14 Site Assessments 29 2.15 Justification for Demolition 30 LB Camden DRP Report of Chair's Review Meeting by Frame Projects 3.0 Concept & Design Development		2.11	Summary of Contextual Analysis	23	Supporting Documents		
2.13 Site Analysis 2.14 Site Assessments 2.15 Justification for Demolition 30 LB Camden DRP Report of Chair's Review Meeting by Frame Projects 3.0 Concept & Design Development 3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.2 Daylight Sunlight Report by Delva Patman Redler - Daylight Sunlight Report by Delva Patman Redler - Daylight Sunlight Report by Delva Patman Redler - Arboricultural Assessment by CSG Ushers - Archaeological Desk Top Study by Archaeology Collective - Archaeology Collective - Basement Impact Assessment by Akera Engineers & Soil Consultants - Energy Statement by Environmental Engineering Partnership - Drainage Report - Drainage Report - Drainage Report - Drainage Partnership		2.12	The Existing Building	24	· ·		
2.15 Justification for Demolition 30 - LB Camden DRP Report of Chair's Review Meeting by Frame Projects 3.0 Concept & Design Development 3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.10 Layour 3.10 Layout 3.11 Site Levels & Excavation 3.10 Layour Save Archaeological Desk Top Study by Archaeology Collective 3.10 Layour 3.11 Site Levels & Excavation 3.10 Layour Site Levels & Excavation 3.11 Site Levels & Cycle Strategy 3.11 Site Levels & Cycle Strategy 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.10 Layour Save Meeting by Frame Projects 4.1 Daylight Sunlight Report by Environmental Engineering Chair's Review Meeting by Frame Projects 4.2 Daylight Sunlight Report by Environmental Engineering Partnership		2.13	Site Analysis	26			
3.0 Concept & Design Development 3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.11 Site Levels & Concept & Design Development 3.2 Daylight Sunlight Report by Delva Patman Redler - Arboricultural Assessment by CSG Ushers - Archaeological Desk Top Study by Archaeology Collective - Basement Impact Assessment by Akera Engineers & Soil Consultants - Energy Statement by Environmental Engineering Partnership - Drainage Report by Environmental Engineering Partnership		2.14	Site Assessments	29			
3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.2 Arboricultural Assessment by CSG Ushers 40 - Archaeological Desk Top Study by Archaeology Collective 41 - Basement Impact Assessment by Akera Engineers & Soil Consultants 43 - Energy Statement by Environmental Engineering Partnership 44 - Drainage Report by Environmental Engineering Partnership		2.15	Justification for Demolition	30			
3.1 Inspiration 3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.2 Arboricultural Assessment by CSG Ushers 40 - Archaeological Desk Top Study by Archaeology Collective 41 - Basement Impact Assessment by Akera Engineers & Soil Consultants 43 - Energy Statement by Environmental Engineering Partnership 44 - Drainage Report by Environmental Engineering Partnership	3.0 Concept & Design Development			- Daylight Sunlight Report			
3.2 Proportion and Scale 3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 3.4 Archaeological Desk Top Study by Archaeology Collective 40 - Archaeological Desk Top Study by Archaeology Collective 41 by Akera Engineers & Soil Consultants 42 - Basement Impact Assessment by Akera Engineers & Soil Consultants 43 - Arboricultural Assessment by Archaeological Desk Top Study by Archaeology Collective 44 - Basement Impact Assessment by Akera Engineers & Soil Consultants 46 - Energy Statement by Environmental Engineering Partnership				32	by Delva Patman Redler		
3.3 A Garden House 3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 41 by Archaeological Desk Top Study by Archaeology Collective 3.6 Material Craftsmanship 42 3.7 Material Qualities 43 Basement Impact Assessment by Akera Engineers & Soil Consultants 3.8 Façade Pattern 44 3.9 Landscaping 46 Energy Statement by Environmental Engineering Partnership 3.10 Layout 52 3.11 Site Levels & Excavation 54 Drainage Report by Environmental Engineering Partnership 55 Drainage Report by Environmental Engineering Partnership			-				
3.4 Weaving the Horizontal and the Vertical 3.5 Inspiration from the Local Context 41 by Archaeological Desk Top Study by Archaeology Collective 3.6 Material Craftsmanship 42 3.7 Material Qualities 43 Basement Impact Assessment by Akera Engineers & Soil Consultants 44 3.9 Landscaping 46 Energy Statement by Environmental Engineering Partnership 3.10 Layout 52 3.11 Site Levels & Excavation 54 Drainage Report by Environmental Engineering Partnership 55 Drainage Report by Environmental Engineering Partnership			•				
3.5 Inspiration from the Local Context 3.6 Material Craftsmanship 42 3.7 Material Qualities 43 - Basement Impact Assessment by Akera Engineers & Soil Consultants 44 3.9 Landscaping 46 - Energy Statement by Environmental Engineering Partnership 3.10 Layout 52 3.11 Site Levels & Excavation 54 - Drainage Report by Environmental Engineering Partnership							
3.6 Material Craftsmanship 3.7 Material Qualities 3.8 Façade Pattern 3.9 Landscaping 3.10 Layout 3.11 Site Levels & Excavation 3.12 Parking & Cycle Strategy 42 43 43 44 45 46 46 46 47 47 48 48 - Basement Impact Assessment by Akera Engineers & Soil Consultants 48 - Energy Statement by Environmental Engineering Partnership 49 - Drainage Report by Environmental Engineering Partnership					by Archaeology Collective		
3.7 Material Qualities 3.8 Façade Pattern 44 3.9 Landscaping 3.10 Layout 52 3.11 Site Levels & Excavation 54 - Basement Impact Assessment by Akera Engineers & Soil Consultants - Energy Statement by Environmental Engineering Partnership - Drainage Report by Environmental Engineering Partnership			·				
3.8 Façade Pattern 44 3.9 Landscaping 46 - Energy Statement by Environmental Engineering Partnership 3.10 Layout 52 3.11 Site Levels & Excavation 54 - Drainage Report by Environmental Engineering Partnership 55 by Akera Engineers & Soil Consultants 56 57 58 59 59 50 50 50 50 50 50 50 50 50 50 50 50 50			·				
3.9 Landscaping 46 - Energy Statement by Environmental Engineering Partnership 52 3.11 Site Levels & Excavation 54 - Drainage Report by Environmental Engineering Partnership 55 by Environmental Engineering Partnership							
3.10 Layout 52 by Environmental Engineering Partnership 3.11 Site Levels & Excavation 54 - Drainage Report 3.12 Parking & Cycle Strategy 55 by Environmental Engineering Partnership					•		
3.11 Site Levels & Excavation 54 - Drainage Report by Environmental Engineering Partnership			. •				
3.12 Parking & Cycle Strategy 55 by Environmental Engineering Partnership			-		- Drainage Report		
		3.13	Environmental & Sustainable Design	56			

59

60

61 64 65

66

67

69

77

Section 1.0

Introduction



Existing Buildings at 18a & 18b Frognal Gardens

1.0 Introduction

1.1 Document Structure

The purpose of this document is to provide a design, access and heritage commentary in support of this planning application for a new dwelling-house at 18a Frognal Gardens, NW3 6XA.

The report is structured as follows:

- Section 1.0: Introduction: Provides basic project information and planning context.
- of Significance: An overview of the significance of the Hampstead Conservation Area, followed by an assessment of the existing building on site, and evaluation of the proposal. (Montagu Evans)
- Section 3.0: Design Concept & Development:
 Describes the design of the proposal, including
 an explanation of the development of the building,
 explaining the form, mass, scale, detailing and
 materials.
- Section 4.0: Design Evolution: Describes how the design changed since initial pre-application discussions with LBC, Design Review Panel and subsequent London Borough of Camden comments.
- Section 5.0: Heritage Statement: A Heritage
 Statement and assessment of the development in accordance with Local Plan policy, the NPPF and relevant statutory duties. (Montagu Evans)

1.2 Project Overview

Roger Pilgrim and Nadine Majaro have commissioned Alison Brooks Architects to design a new home to replace their existing 3-storey split level semi-detached house in Frognal Gardens, built in 1965. This new house is to accommodate their needs in later life as a fully accessible family home and contribute positively to the architectural quality and character of Hampstead. The design will be spacious, comfortable, adaptable and future-proofed. The house will incorporate as many sustainable features as possible to reduce energy consumption, utilising durable materials, natural ventilation and active shading. The house has been designed to contribute to and enhance the local Hampstead Conservation Area, acknowledging its historic context but demonstrating a contemporary and innovative architectural approach of which the clients, long-standing members of the Hampstead community, can be proud.

The proposal includes:

- Demolition of the clients' existing four bedroom family home
- Development of a new build 4 storey family house
- Associated Landscaping

This application follows the withdrawal of a previous application. This proposal addresses various comments on the design raised by the Council and Design Review Panel. At an independent review the Design Review Panel feedback was that the original application was a high quality design consistent with the character of Hampstead. Amendments in this application have been made on their advice to further improve the scheme to ensure the best possible design is achieved to maximise the project's contribution to the Conservation Area.

1.0 Introduction

1.3 Planning Context

Relevant Statutory Provision & Case Law

Legislation relating to the protection of the historic environment is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires local planning authorities to have special regard to the desirability of preserving the special interest of listed buildings, and their settings and Conservation Areas.

Section 66 of the Act, relating to the settings of listed buildings, does not engage in this instance.

Section 72 (General duty as respects Conservation Areas in exercise of planning functions) of the 1990 Act requires that, in the exercise of all planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. The statutory provision is satisfied if development proposals preserve or enhance the character or appearance of a Conservation Area. Character relates to physical characteristics but also to more general qualities such as uses or activity within an area. Appearance relates to the visible qualities of the area.

The House of Lords in the South Lakeland case (South Lakeland District Council vs Secretary of State for the Environment and another (1992) 1 ALL ER 573) determined that the:

"Statutorily desirable object of preserving the character and appearance of an areas is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved".

It is important to note therefore that the statutory duty set out in Section 72 is met where the development as a whole at least preserves the character or appearance of the CA. That is, if a replacement building is at least as good as the building that has been demolished, then the 'preserve' test has been met and the planning authority will have discharged its statutory duty in such a decision.

It is important to note that the Section 72 duty applies to the Conservation Area as whole. This bears emphasising as to avoid the risk of confusing harm to a building within the

Conservation Area (by virtue of its demolition, say), with whether the demolition of that building causes harm to the Conservation Area as a whole.

The corollary of Section 72 is that enhancements to the Conservation Area must also be given special attention, and it follows, great weight.

Therefore, it is clear, and the courts have held, that Section 72 can be satisfied by a building of at least satisfactory design, in that it at least preserves the Conservation Area. If it does so, then the decision maker has discharged their duty under Section 72 of the Act. Paragraphs 195 or 196 of the NPPF (pertaining to harm to Designated Heritage Assets) would not engage if there was at least a net neutral effect on the Conservation Area (in other words no harm has occurred). If residual harm has occurred, then paragraphs 195 or 196 would engage, depending on whether that level of harm was 'substantial' or less than substantial'.

In this case, as set out below, we consider that the replacement building, proposed by Alison Brooks Architects on behalf of their Client, at least preserves the character and appearance of the Conservation Area. In our view the development as a whole represents an enhancement (in that assessment, the negative qualities of the existing building are plainly relevant). No harm arises to the Conservation Area and the provisions of the NPPF as they relate to 'harm' do not engage, and the enhancement to the Conservation Area should be given great weight in the decision making process.

Relevant Planning Policy

The relevant Camden Local Plan and NPPF policy is summarised in the Heritage Statement that accompanied the application.

In addition Section 12 of the NPPF provides additional guidance on design matters. Paragraph 127 states that decisions should ensure that developments:

- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to the local character and history...
 while not preventing or discouraging appropriate innovation or change...;
- Establish or maintain a strong sense of place, using ... building types and materials to create attractive, welcoming and distinctive places to live and visit.

Paragraph 130 of the NPPF states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development. The local authority should also seek to ensure that the quality of approved development is not materially diminished between permission and completion (this is discussed further below).

Policy D1 (design) of the adopted Local Plan sets out various requirements of the Council in seeking high quality design in development. The policy states the council expects excellence in architecture and design. The policy requires that development respects local context and character, preserves or enhances the historic environment and heritage assets, is sustainable in design and construction and comprises details and materials that are of high quality and complement the local character.

Paragraph 7.5 of the supporting text emphasises that design should respond creatively to each site in its context and paragraph 7.9 requires that architectural detailing should be carefully integrated into a building, and that detailing should be carefully considered so that it conveys the quality of design to create an attractive and interesting building.

Paragraph 7.10 requires developments to incorporate materials of a high quality.

Planning policy and the NPPF therefore encourages at a broad level high quality architecture, that is creative and interesting in response to its context and prevailing character (particularly where located in Conversation Areas), and encourages innovation in general terms. The commitment to high quality design is reiterated in Camden Planning Guidance 3 (Design) adopted in March 2019.

The adopted Hampstead Local Plan also provides additional policies in relation to design (policy DH1). The policy requires development proposals to demonstrate how they respond and contribute positively to the distinctiveness and history of the Hampstead character areas identified in the plan. The site falls within Character Area 2 (Outer Village). The policy requires development proposals to demonstrate how they expect to enhance and character in the local context of the relevant Character Area.

Consultation with Camden Council

June 2019

A pre-application report was submitted to Camden Council.

July 2019

A pre-application meeting was held with Camden Council on 02/07/19. The Officer's Report was received 23/07/19.

October 2019

A Full Planning Application was submitted on 21/10/19.

February 2020

Supplementary information was submitted to the Council in the form of a DAS Addendum on 12/02/20

March 2020

A Design Review Panel was held on 13/03/20. The Chair's Review Panel comments were received on 07/04/20.

June 2020

Design amendments were submitted in response to the DRP comments on 08/06/20.

August 2020

Further design amendments were submitted in response to LBC comments on 04/08/20.

November 2020

The planning application was withdrawn and a consolidated application re-submitted on 11/11/2020.



Existing Buildings at 18a & 18b Frognal Gardens