



18a Frognal Gardens

Draft Design & Access & Heritage Statement

Project Team

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Appendices

Design Review Panel Report

Supporting Documents

- Architectural Drawings by Alison Brooks Architects
- LB Camden DRP Report of Chair's Review Meeting by Frame Projects
- 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

Section 1.0

Introduction

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.
- **Section 2.0: Contextual Analysis and Statement 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.



Existing Buildings at 18a & 18b Frognal Gardens

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 area 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