

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/5214/P	Mary Power	21/12/2020 11:09:23	OBJNOT	I write to submit objections concerning heritage and design considerations, to a new application for the redevelopment of 18A Frognal Gardens, NW3 6XA, reference 2020/5214/P. These are on behalf of a number of local residents of Frognal Gardens including: Rauzat Hassanbhai and Oliver Edwards from 9 Frognal Gardens, Mr Lars and Mrs Veronica Bane from 98 Frognal, Judy and Mr Jack Fox from 18b Frognal Gardens, Jennie and Efstathious Michael from 18 Frognal Gardens and Mr Peter Oppenheimer and Dr Joanna Myers from 20 Frognal Gardens.

#### Overview

It must be said from the outset that it is questionable whether this can be considered to be a “new” application as very little has changed with the scheme and nothing has been altered to address the express planning considerations regarding why this application should be refused on conservation grounds ie incongruous scale, massing and materials. As you will know significant weight must be given to any harm caused by the application proposals to the character and appearance of the Hampstead conservation area, particularly where there are no public benefits arising from this scheme. It is simply the replacement of one family house with another family house.

Given that very little has changed with the scheme, the objections submitted in December 2019 and February 2020 by many local residents should be given similar weight and consideration in respect of this “new” application today. There is concern amongst local residents that the notification of the application has not been as widely publicized as there are no notices on lamp posts and with Covid 19 restrictions, residents are unable to get together to discuss for obvious reasons.

Many residents have already submitted detailed written objections to voice their concerns regarding the planning application, not regarding the principle of the redevelopment of the existing house, but opposing the scale, design, materials and impact the proposed development would have on the character and appearance of the Hampstead Conservation Area.

It is also considered that the applicant’s reliance on its consultation with the Council’s Design Review Panel (DRP) in December 2020 as addressing design improvements, feels like an insult to the resident population who are not able to attend such a meeting, who’s views are not represented and where the opinions are expressed by other notable architects, who do not live in the street and will therefore not suffer the impact this scheme will have on local residents for the life time of the building, if permitted.

Publication of the scheme in the Architects Journal (December 2019) reported as designed by an award winning architect, does not give the design any merits or acceptability in terms of its location in this Hampstead conservation area. It also does not override the local planning authority’s duty to consider all objections including local residents and assess these against the relevant planning policies. Context is everything when assessing design, particularly with regard to the special attention to be paid by local planning authorities to the desirability of preserving or enhancing the character or appearance of a conservation area. Support and promotion by other architects is not a means of gaining acceptance of an incongruous building in a typically Victorian, Georgian and Edwardian conservation area.

The “new” application gives rise to four reasons for refusal and forms the basis of the residents planning, heritage and design objections:

- i) The Heritage Assessment contained in the Design & Access Statement seeks to rely on the scheme’s innovative architecture and design, which is considered must be allowed for this reason. To the architect this may be so but to local residents the scheme is incongruous, the scale is unacceptable in relation to its ‘sibling’

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neighbour house designed as a similar pair, the proposed materials and design, and in relation to the location of the site in a secondary street location, represented by modest scaled quiet houses.

ii) The development fails the S72 test as it does not preserve or enhance the character of the conservation area as it is incongruous, too large by one storey, unsympathetic materials and design and relies on its acceptance for the future development of 18b Frognal Gardens to mirror the scale and design detail.

iii) The development scheme does not enhance or better reveal the significance and setting of the Hampstead Conservation Area (the first designated conservation area following the 1968 Act) and in particular Sub Area Five: Frognal, characterised by detached/semi-detached Victorian, Georgian and Edwardian houses set in spacious large and well treed gardens.

iv) The less than substantial harm caused by the proposed development is not outweighed by any public benefits and there are many other design forms that could be considered to replace 18a in a manner that contributes to the special character and appearance of the conservation area.

Set out below is a more detailed assessment of the application proposals to amplify these four reasons for refusal.

#### 1. Qualifications and Overview

##### Qualifications

1.1 Mary June Power has prepared these representations on behalf of residents. I am a dual qualified surveyor (MRICS) and town planner (MRTPI), with a masters of the Conservation of the Historic Environment (MSc CHE), studied at the University of Reading, an accredited qualification for conservation officers and Historic England experts. I have over 25 years of experience in the historic built environment and development industry.

1.2 I am the owner and director of PowerHaus Consultancy (since September 2015) advising a multitude of clients large and small in most sectors of the property industry including; residential, retail, commercial, leisure, schools and colleges including those that have a bearing on the historic environment. I have prepared objections to telephone mast appeals in conservation areas, within the setting of listed buildings, which have been dismissed. Planning and Conservation Area consent has been secured for the refurbishment and redevelopment of an office building within a conservation area and adjacent to a Grade I listed building in Islington. Listed building consent has also been achieved for demolition and reconstruction of a wing of a Grade I listed building in Bromley. I also achieved the Grade II listing of the Abbey Road Crossing on behalf of EMI, the only listed crossing with Belisha Beacons in England.

##### Overview and Context

1.3 The existing application building 18a, is identified as a neutral building within the Hampstead Conservation Area Statement. It is therefore neither harmful to, nor valued as contributing to the character of the conservation area. It was built in the 1960's alongside 18b Frognal Gardens as similar semi-detached houses, within former garden land of 18 Frognal Gardens and are modern additions to this part of the conservation area. They are modest in scale and plot size reflecting the scale of their immediate neighbours at numbers 20, 7 and 9 Frognal Gardens and 98 Frognal, which are two/three storey houses, some with accommodation in pitched roofs.

1.4 Given the rising topography of Frognal Gardens road, 18a and 18b dwellings already rise above the more modest scale of number 20 and in many ways set a maximum height constraint for any replacement dwelling. Their context is localised to their immediate neighbours and not to the large scale dwellings located on the top

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of the hill at 2-16 Frognal Gardens or fronting Frognal.

1.5 All buildings within Frognal Gardens are subject to the Hampstead Article 4 direction, which removes permitted development rights. Despite their neutral contribution to the conservation area, the inclusion of 18a and 18b Frognal Gardens within the Article 4 direction, highlights how important any alteration to existing buildings is to the character and context of the area. The Design Guide properly describes the importance of fronts and sides of properties within the conservation area and the contribution they make to its setting. It imposes design and scale considerations as well as materials to set out a palette of materials to respect the special character and appearance of the local context. It is these special characteristics that residents consider the applicant has failed to apply to the design of a replacement building for 18a Frognal Gardens expanded upon below.

## 2. Harm to Conservation Area Setting

2.1 The NPPF and Camden's adopted policies (D1 and D2) require that new development within conservation areas and within the setting of heritage assets should enhance or better reveal their significance and requires that an applicant describes the significance of a heritage asset including any contribution made by their setting, in order to understand the potential impact of the proposal on their significance. LPAs are required in determining applications to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

2.2 Recent case law highlights the importance of the consideration of setting in the case of James Hall v Bradford MDC [2019] EWHC 2899 (Admin) dated 1 November 2019, where the court quashed a planning permission on the basis that the Council had failed to consider the impact of development on the setting of a heritage asset, a development that was not in a conservation area but adjacent to it. This case highlights how important the consideration of setting is to the decision making process and must be applied fully and rigorously to the circumstances of this application.

2.3 Historic England's Good Practice Advice Planning Note 3 (Second Edition), sets out a stepped approach to assessing the setting of a heritage asset. The applicant fails to consider a stepped approach or the conservation area setting or how the proposed development would enhance and make a positive contribution to it.

2.4 It is considered that the proposal will harm the setting of the conservation area imposing a four storey building in the context of appropriate three storey dwellings (existing 18a and 18b Frognal Gardens). The application is just too tall and breaks the adjacent tree line becoming an over-dominant feature in the streetscape of Frognal Gardens. Imagining the replacement of 18b Frognal Gardens with a matching scale of property emphasises this harm and would dwarf no 20 Frognal Gardens as well as properties opposite.

2.5 The existing setting of this 'back land' development which was historically gardens and potentially service buildings ancillary to the large scale properties fronting Frognal, is lost and competes with the scale and dominance of properties in its context. Even the DRP considered the proposal to be larger than is comfortable. The slight curvature of the roof and very minor reduction in height since the 2019 scheme, does not remove the additional storey which remains incongruous to the setting of this part of the Hampstead conservation area.

2.6 The setting of the application site and its contribution to the conservation area is defined by the wide extent of the conservation area generally, with its high number and quality of different buildings, architectural styles, materials, landscaping, historical influences and growth and evolution of Hampstead. The immediate setting of the application site is more defined by the character of its immediate neighbours of lower scale and massing, modest proportions, materials and style. The application scheme will encourage the demolition and replacement of modest scaled buildings with much larger scaled statement buildings incongruous to the

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setting of this sub area of the conservation area.

2.7 The application scheme instead takes its cues from the large mansion style houses on the top of Frognal Gardens and not its immediate context of 20, 7 and 9 Frognal Gardens. Whilst identifying the conservation areas prevailing materials, the applicant then proposes materials that conflict with the character of the setting of the conservation area, jar with the Victorian, Georgian and Edwardian aesthetics and impose a mixed colonial Art Deco style, uncharacteristic of this modest part of the Hampstead conservation area.

### 3. Hampstead Conservation Area: Harm to Character and Appearance – Area 5 Frognal

3.1 The character of the application site location within Sub Area 5: Frognal, of the Hampstead conservation area includes late 19th and 20th century houses set in spacious large and well treed gardens. Most are red brick, with picturesque red tiled roofs and chimneys with decorative brickwork or tile hanging, including Arts and Crafts and Neo Georgian styles. Adopted planning policies: D1, D2 of the Local plan; policies H21, H22 and H24 of the Hampstead Conservation Area Statement and policies DH1 and DH2 of the Hampstead Neighbourhood Plan, highlight that new development should be seen as an opportunity to enhance a Conservation Area respecting built form, building lines, roof lines, elevational design and materials of adjoining buildings.

3.2 The proposed design does none of these things. It does not reflect the existing character of the scale of 18a Frognal and looms above this property by an additional storey, with fluted parapets and chimneys, wholly uncharacteristic of the conservation area. The Heritage Assessment (section 5 of the D&A) does nothing to justify the significant scale of the proposed dwelling. It takes the scale of properties fronting Frognal and at the top of Frognal Gardens as justification of scale on this plot. This plot does not have the same luxury of space, road frontage or history to justify this increased height. The existing context of similar modest scale buildings opposite at 7 and 9 Frognal Gardens is also not considered in the context of the replacement building.

3.3 The application scheme fails to thoroughly consider the context and modest scale of buildings on the topographical rise of the road and land of Frognal Gardens siting in smaller plots. These smaller scale houses limit the degree of competition with the scale and massing of the large three/four storey buildings at 2- 16 Frognal Gardens. The hierarchy of form is located on the top of Frognal Gardens and at the lower level fronting Frognal. The side streets leading away from Frognal are of a more modest scale, almost infilling the street rather than houses of substantial scale and design.

3.4 The proposed development fails to take the opportunity to enhance the conservation area, does not preserve the character or appearance of it and therefore does not accord with national or local planning, heritage and design policies.

### 4. Precedent for Incongruous Design

4.1 The proposed development of 18a Frognal Gardens, if permitted, will set a precedent for a new building of the same scale, should 18b be redeveloped at some point in the future. Such a similar scale would loom over the modest two and a half storey house of 20 Frognal Gardens, causing further demonstrable harm to the special character of the Hampstead Conservation Area. These two properties were designed and built at a similar time and this localised characteristic should inform whether the proposed application is acceptable. Duplicating the same design on 18b Frognal Gardens would demonstrate further how incongruous the scale, massing and design is to the conservation area. It is one storey too tall.

4.2 The Council must therefore consider and assess the effect of the cumulative change that would arise if planning permission was granted for this scheme. The precedent set for the redevelopment of 18b (at some

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point in the future) would conflict with the setting of the conservation area, its neighbouring buildings and the historic evolution of these two properties, which were infill buildings within former garden land. The scale of any replacement building must therefore be assessed in this immediate setting and not the large mansion style houses at 2-16 Frognal Gardens. The setting of 18a is a modest quiet infill building, not a statement building to compete with buildings at 2-16 Frognal Gardens that albeit not statutorily listed, make a positive contribution to the character and appearance of the conservation area.

4.3 The use of green hued faience tiles, also helps to mask and disguise the impact of the scale of the proposed replacement dwelling, as it helps to merge it into the background of the existing trees nearby, albeit significantly taller. If the tile material was a brown hue say, it would reveal its incongruous scale and proportions when read against its neighbour 18b and within this immediate section of Frognal Gardens. The switch back façade treatment does not complement the existing character of the conservation area and nor does it deliver a modern aesthetic that provides appropriate contrast to the Victorian and Georgian characteristics of this part of the conservation area.

#### 5. Minimisation of Harm to the Conservation Area and Public Benefits

5.1 The NPPF and local plan policies highlight that where a development will give rise to harm to a conservation area whether substantial or less than substantial, that public benefits should be assessed to determine whether these outweigh that harm.

5.2 The proposed development is determined to cause less than substantial harm to the conservation area as the significance of the wider conservation area will remain unharmed. It is the narrow context of the application site's immediate location adjacent to 18b, 20, 7 and 9 Frognal Gardens that will be adversely affected. The replacement of a three bed, three storey house with a four bed four storey house provides no public benefits in an area heavily characterised by large family houses with gardens. The provision of a larger house carries no weight in addressing the Borough's housing needs and therefore cannot be given any weight in balancing the public benefits against the harm arising.

5.3 The design is so incongruous that it does not contribute to preserving the conservation area and does not enhance it. It is a storey too high and dominates the natural tree character of the street, it paves the way for a replica replacement building at 18b, which when considered together would be wholly unacceptable and overpowering on the character of this part of the conservation area.

5.4 There are many ways that the effects of the redevelopment of the existing 18a could be minimised including proposing a new building of similar proportions and scale to the existing dwelling, sympathetic materials to the conservation area and with a cautious mind to how 18b might be developed in the future, so that it does not set an unwelcome and harmful precedent to the conservation area.

#### 6. Conclusions

6.1 The application proposal is not new, it fails to reflect the acceptable scale of properties in this particular part of the Hampstead conservation area which is three storey properties. Its scale dominates the natural tree character of the street looming above existing trees and 18b Frognal Gardens. Its design has no relevance or reflection of the modest character of this part of the conservation area. There are no public benefits arising from the scheme to outweigh this conservation area harm.

6.2 For all the reasons set out above, the application should be refused planning permission and conservation area consent as it fails to comply with the Council's adopted planning policies: D1, D2 of the Local plan; policies H21, H22 and H24 of the Hampstead Conservation Area Statement and policies DH1 and DH 2 of the Hampstead Neighbourhood Plan, the NPPF and Historic England Guidance.

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2020/5214/P	Elizabeth Waugh	26/12/2020 18:25:50	OBJ	<p>Please acknowledge receipt of these objections and keep us informed of the Council's progress of the application to determination at Committee.</p> <hr/> <p>I strongly object to the scale &amp; design of this proposed new development. Four storeys is far too tall for that location; it will completely overshadow the attached 3-storey house (18B) and will compromise the view from no.18 (at rear). Such a large scale development will also involve potentially years of awful disruption - noise, dust, parking restrictions etc - for us, their very close neighbours. Furthermore, I don't believe the design proposal is at all suitable for our street - it references a Mediterranean villa, with echoes of Gaudi's Barcelona; utterly incongruous to the style of all the existing properties in our leafy, family-friendly, peaceful residential street. This building will be distracting &amp; overly-dominant in a Conservation Area. In my opinion it's simply not appropriate - it's incongruous design &amp; excessive size will detract from the existing environment of Frogna Gardens.</p> <hr/>

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2020/5214/P	Sandie and Mike Rawlings	27/12/2020 19:47:01	OBJ	<p>Dear Mr Farrant,</p> <p>As the neighbours directly opposite no 18a Frognal Gardens, my husband and I would like to strongly object to this planning application. We live at 7 Frognal Gardens. the plan does not adhere to conservation area guidelines. The development is bound to effect the existing harmonious landscape of the whole street.</p> <p><b>1. DEMOLITION</b></p> <p>- The total demolition of no 18a and rebuilding of a much higher and larger property would dominate the street scene to the detriment of the character and appearance of the conservation area.</p> <p>Para 25.7 the councils development policies state that in relation to proposals for demolition the council will take into account the group value, context, and setting of buildings. 18a is a 'twin' built in a style sympathetic to its semi detached neighbour. the two houses are very similar in style.</p> <p>Para 25.8 states 'where substantial demolition is involved any replacement building Should enhance the conservation area, to an appreciably greater extent'</p> <p>These plans conflict with the provision of the councils adopted development policies.</p> <p><b>2. LOSS OF PRIVACY</b></p> <p>A great concern would be -</p> <p>- The proposed large terraces on every floor would overlook the surrounding houses and gardens Resulting in a loss of privacy for everybody in the immediate area.</p> <p><b>3. SWIMMING POOL and BASEMENT EXCAVATION</b></p> <p>The proposed substantial basement excavation would constitute a proposed threat to the nearby homes, especially the immediate neighbour of this semi detached house No 18b. Frognal Gardens is built on a hill. The proposed development is at the top. Any excavations extend below the water level and could have an adverse effect on the neighbouring structures, basements, flats and gardens, lower down the slope. The proposed basement will significantly increase the differential depth of foundation between 18a and 18b. Basement sheet piled/bored piles retaining walls are likely to extend below the foundations of 18b. underpinning between these properties may be required. The engineers report states 'there is a moderate risk of groundwater flooding from other sources at the site which will have to be mitigated by tanking the lower ground floor'.</p> <p><b>4. LOCATION</b></p> <p>The house occupies a prominent position at the top of the bend of Frognal Gardens. 18a and 18b are a tight fit. They are symmetrical in size and appearance. The size of the proposed new house is much higher and bigger. It would necessitate cutting down mature trees. The new dwelling would dominate the street scene, to the detriment and character and appearance of the conservation area. The lime green colour of the house and undulating terraces are out of kilter with its neighbours.</p> <p><b>5. RATIO OF BUILT TO UNBUILT SPACE</b></p> <p>The new house will fail to comply with paras 2.10 and 4.10 of the councils planning guidance on design, in that</p>

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it will reduce the degree of openness in this area and fail to preserve the historic pattern and established townscape of the surrounding area especially with reference to built and unbuilt space.

#### 6.LOSS OF TREES

We are concerned about the proposed cutting down of a mature oak tree in the front garden. Also the proposed cutting down of mature evergreen trees, magnolia, elder, and hazel. We feel, this would have a detrimental effect of the character of the conservation area. The mature lime tree does not have a tree preservation order on it which is a concern.

#### TRAFFIC

Frognal Gardens is a cut through between Church Row and Frognal. It is a horse shoe bend. No 18a and 18b are exactly at the top of the hill on this bend. There is parking each side of the street. One side of the street is occupied by many flats. There is only room for one car to pass at the bend. It is especially busy at school opening and closing times.

Hampstead Parochial school have recently started using the additional burial ground of Hampstead Parish church as an exit point for the children, which brings them out at Church Row. This seems a good idea to alleviate congestion on Hampstead High Street.

It is our concern that the many lorries carrying earthworks and waste plus building materials would seriously impact the traffic. there are only two exits, which are both narrow and congested. Frognal and Church Row. We consider this to be an unacceptable hazard to the community.

#### POLLUTION and ASBESTOS

The level, of pollution from this building would be a concern. Although asbestos containing materials were not observed, the surveyors note that the buildings (especially those constructed before 2000) are a potential source of AC . Furthermore any made ground construction or demolition materials on site may contain ACM. They note that this matter should be addressed.

#### ELECTRICITY SUB STATION

A report by A.D Horner surveyors wrongly designates a neighbours garage at no 3 Frognal Gardens as an electricity substation. (Someone had stuck electricity stickers on the doors many years ago)

photo no 8, Report 104 02/sc

This brings into question the Depth and accuracy of the rest of the report.

Neighbour at No 18b.

On a personal note I would like to say that the neighbour who this development would most affect is over 90 years old. He is disabled and uses a mobile scooter to get around. He is very independent and has lived in his house for many years. The threat of the noise, pollution and disruption that this development will cause him is horrendous.

Where are his human rights to live out the rest of his life in comparative peace?

Hampstead has become a prime target for greedy developers who make enormous profits from increasing the size of the houses to the detriment of everyone else. They have no regard for the quality of life of residents who have lived here for many years.

I am writing to Tulip Siddiq, our local MP. The Revd Jeremy Fletcher of Hampstead Parish church, Also the Redfrog association, the Heath and Hampstead society, Our councillors, Gio Spinella, and Andrew Parkinson



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Jessica Learmond - Criqui and the local papers To make everyone aware of this development.  
We are justly proud of the area, which the council has tried to protect over the years, and has designated it a conservation area.  
As such can we not keep it that way please, and refuse this plan.  
Yours sincerely,  
Sandie and Mike Rawlings

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